

A  
REVIEW  
OF THE  
GRAND CASE  
OF THE  
Present Ministry,

Whether they may Lawfully  
Declare and Subscribe as by  
the late *Act of Uniformity* is required?

In Reply to a Book Entituled;  
*A Short Survey of the Grand Case, &c.*  
Wherein all their Objections against both  
the Declarations are Considered and Answered.

---

By the same Hand.

Job. 4.2. If we assay to commise with thee, will  
then he grieved? but who can withhold himself  
from speaking? Fulwood F.

London, Printed for T. Dring, and are to be sold  
at the George in Fleet-street, and by Mudditch,  
at the first Shop in Westminster  
Hall, 1665.

WELLINGTON  
OR THE  
GRAND CASE  
OF THE  
Polestar Mine

A Political Drama in Five Acts

By J. R. Green

With a Foreword by Sir George Trevelyan

Illustrated by W. H. Worthington

Edited by G. E. Clegg

With a Foreword by T. B. Macaulay

Illustrated by W. H. Worthington

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F R 1 R  
THE F 972 R  
**P R E F A C E**

To my Reverend Brethren, the  
Surveighers of the Grand  
Cause.

1. **I** Find some Learned Men have ob-  
served, both an Equivalency of on the  
Errors throughout most Ages and  
Nations; and also, an Equivalency of  
means to evince and to vindicate the  
truth, by the wisdom of God, so propor-  
tion'd to the diversity of times, as no Age  
would have better than the present. I

2. **M**ay I observe, that our present Age  
and the differences of it, are of that  
strange and singular Humour, that they  
need an Exception from that Learned In-  
timation in both Respects.

3. As for the things in Controversie  
between us, though, haply, they may be  
A 3 reduced.

422512

## The Preface.

reduced to some Ancient Topicks, yet the Mirrour of our Causes, or the now arising from the force of the New Law, the Act for Uniformity, they have much of peculiarity and newness in them : and whilst the Burthen of Resolving them remaines upon so weak a shoulder, the means may justly be Censured, as inequivalent, whil so ever the blessing of God may be.

4. As, ~~in~~, <sup>iniffering,</sup> the Discussion of the present Debates depends more upon a due Examining of Rational Consequences, than upon Authority's of Antiquity, or any other Learning, that requires long Diligence and Observatio~~n~~  
~~and no~~  
~~but~~ I am not much disengaged : yea seeing, since the Review (you have mentioned me to make) I my self do discern some things better & more clearly then before, I take encouragement to hope (as I verily will) that you, my Brethren, may do so too.

5. I am sure my Aim is good, & I know, 'tis great. I could not hope to hit it, at the first or second shot : but, through your Invitation, I venture again ; that, if possible, by any means, I might at length attain it : Howev'r, I shall rather the fleshest far more worthy then all my abounds, if I only gain a little ground

in what I professed, and come nearer  
and nearer to my desired end, for my  
Baptismal sake. 1694. THE PEACE OF JERU-  
SALM.

6. You do quicken this expectation in  
me, while you, modestly indeed (as you  
say) signify to me, that, though my Re-  
solution of the Grand Case hath not made  
on you that impression, nor produced that  
effect. I might Rationally promise to my  
Self; yet your selves cannot but observe,  
it hath affected it in many others.  
Now, you think, I might rationally ex-  
pect before, I hope, I may more clearly  
fully pray for, now; For without Aero-  
gance, I presume to commend to your own  
reason, whether most, if not all, of your  
main exceptions are not blown quite off  
by this Second Ventilation of the matters  
in difference.

7. I earnestly doubt, but that you will  
easily be satisfied, that a Compromising  
Approval is a sufficient ground for  
unsigned Assent and Consent according  
to the Act.

8. Also, when setting you impartially, you  
could hear the particulars you except  
against in the Common-Prayer Book  
which contains without some Assent and

Consent; and seeing, that no Assent  
and Consent cannot be better than Real;  
and strong, all Real Assent and Consent,  
is, therefore, unfeigned; that you will not  
find further reason to scruple, to give your  
unfeigned Assent and Consent to the  
same.

9. For the matter of the Covenant,  
I hope you will better consider that the  
great hinge upon which that Controver-  
sie turns, is not the necessity of Episco-  
pall Government, but the Lawfulness of  
it: For, though you think it not necessary  
in it self, or by the Word of God; yet  
if it be lawful, that is, not sinful, it be-  
comes necessary upon us, by the Laws  
of the Land, and may not be sworn  
against.

10. Moreover, I would fain believe,  
that the great stones of the Reality and  
Nationality of the Covenant (it being  
essentiall to Oaths, in the judgement of  
the Reverend Casuist Bishop Sanderson,  
to be personal, and to bind him the Take-  
only:) as also, that, about Church-Gov-  
ernment established by Law; and  
the dissolution of the Long-Parliament,  
are perfectly removed out of your way.

11. But I shall not Anticipate: I leave  
the

## THE Preface.

The Book is your Christian and  
perful ; accounting it no mere felicity,  
than to be to do with persons Ingenuous  
and Learned, and truly desirous of Justice.

12. Yet, I must tell you, is much  
troubled me, that you took those express  
ions of felonies, furies, & prodigies de  
sir, so tenderly to your selves.

13. I told you, they were the words of  
Dr. Donne, and wish'd they were not  
applicable in our Case. Indeed, it was  
far from me, to conclude all dissenters  
with them : nor darâ I say, you deserved  
the charge in the least degree.

14. Let I dare say, you will not plead  
for all dissenters : yet, that you do con  
cur with Cassianus, that some men (be  
saib many) are carried to desire suffer  
ings by humane respects, by the Spirit  
either of their Parents, or the Spirit of  
Levity, or the Spirit of Liberty; or, as I  
may add, the Spirit of a party : Tis, it  
is storied of one Eulalia, a Maid of 12  
years old, that came from her Fathers  
house, declayred her self to be a Christian  
spit in the Judges face, and provoked  
him to execute her.

15. Now, my Doubt, Brethren,  
the

the same Spirit of malice may work hereupon, in us, and in our Age especially, when an opinion, that all the Godly, must suffer persecution, is spread over the people.

16. It is noted by Bodin, that Christians, in Tertullians time, were so pleased with suffering, that ~~superior~~ Edicts were made by their very persecutors, that no more Christians should be executed, because they perceived, that the Martyrs delighted in dying; and, my Dear Brethren, (if Christian Magistrates must be persecutors,) if the readings of your numbers suffer, or any other consideration should prevail for a like Edict to stop your sufferings; I beseech you, do not think, I should be against it, I would not be thought your enemy, becaust I would tell you the truth, and earnestly perswade you to do your duty, and not to suffer when you need not.

17. I would rather strike you with the feather, than prick you with the pen; we except to provoke you to good works, and to mind you of your danger. Indeed, I feared, at the time I wrote my last Book, that many of my worthy Brethren were falling;

THE PRACTICE.

ling; and I was (in my Epistle) somewhat  
caus'd to saye them, and that, I hope,  
was all my Care, and no more than his  
genuine power & willing to provide.

Give me leave to conclude with these  
notable words of Fagonys Doctor Collet,  
in his Sermon, p. 28. which I desire to do  
with the same spirit that he spoke  
them; if peradventure it be thought that I  
have pass'd my Bounds, or have said  
any thing out of temper, forgive it me,  
and ye shall forgive a man speaking out  
of mere zeal; a man heartily lamenting  
the Decay of the Church; and consider  
the thing it self, not regarding my fool-  
ishnes. Consider the miserable end and  
State of the Church, and endeavour  
your selves with all your Souls and Abi-  
lities (as he, to reform it, so I) to save it.

Now the Lord of peace himself give  
you peace, always; and by all means;  
and O that you were as in moneths past,  
*My dear Brethren,*

Job 19: 2

Farewell.

THE

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of the Catechism, about 2000 to 2500. & in  
the second, 1500. I see no  
good fit w<sup>t</sup> to match either.

**CASE I.**  
*Whether it be lawful to De-  
clare in the words of the  
first Declaration.*

**CAP. I.**

*Touching the Book of Ordination.*

I. **I** Find my self inclined, (whether from the easiness of my Nature, or a love of Peace) to all just means of a good accommodation, especially with Brethren : And confess in a Temptation upon me to use such *Mediocrity*, as in my own observation are least disfavored by my opponents ; because it is the easiest way to concuster, and the likeliest to reconcile them.

For the ~~meaner~~ am to my adversary, the fairer is my advantage to lay hold

## A Review of

hold upon him ; and when we are agreed in the premises, I cannot but hope for a good Conclusion.

2. Such as are friends to *Conformity* could not choose but discover this peaceable design of my last Book; viz. the *Grand-Cafe*, &c. Though give me leave to Note, that you my dissenting *Surveyors* of it seem not to apprehend it, by your great mistake even of the first *Arguments* therein improved, by which mistake alone you labour to avoid the *Consequence* of it.

3. I distribute the first of the *Declarations* into two parts. The first part concerns the *Liturgy*. The second, the *Book of Ordination*. I begin with this second part, touching the *Book of Ordination*, and determine thus.

4. It is lawful to declare our unfeigned assent and consent to the form and manner of Making, Ordaining, and Consecrating *Bishops*, *Priests*, and *Deacons*: and I do indeed conclude this partly, from the practice of many of your selves, who had formerly subscribed as much in your subscriptionsto the 39. *Articles*.

5. This

## *the Grand Case.*

3

5. This you say, is an Argument *a  
facto ad ius*, and not concluding; and if it be absolutely considered, as it is by you, I confess as much; but if it be *Argu-  
mentum ad hominem*, and bear open  
respect to the persons with whom I  
dispute, as I plainly intended it; methinks it carrieth force enough.

6. For, in *Charity* we reckon, that  
such as did formerly subscribe, did it  
*in judgement* and *Conscience*: neither  
have we reason to believe, that they are  
dissatisfied with their former subscrip-  
tions in point of *Conscience*, until they  
have told the world so much, and gi-  
ven us the *grounds* of such their Con-  
viction; and till then, why may we  
not conclude *a facto ad ius*, against such  
as have formerly subscribed, what they  
now refuse. *Viz.* That by their former  
*practic* not yet disclaimed, as against  
their *Conscience*, themselves conceive  
this part of the declaration to be law-  
ful, and that they may lawfully de-  
clare accordingly.

7. Most have done a thing, there-  
fore all may lawfully do it, is indeed  
*bad Logic*. But that which you judge,

you may lawfully do, you cannot say you may not do it. Now I only assume, that you judge you may lawfully do that which you have formerly done; and if this fail, I think it yet lies upon you to shew us and the world the reason why.

8. But a little more plainly, my Argument lay thus; Those that have subscribed this part of the Declaration already, in the 39. Articles, and read their allowance of it openly to their several Congregations; and that are convinced, that had not this been required in the new Declaration, no Conformity, without subscribing the 39. Articles, of which this is one, could legally suffice; and yet affirm, that had not these new Declarations been required, they intended to have Conformed; may doubtless, lawfully, as to their own principles (for you could not choose but see that my Argument was ad hominem) declare their unsigned assent and consent to the book of Ordination.

9. But you venture also to gainsay my Assumption, which you please to term a confident assertion, and say, you cannot

cannot but conceive strangely of it. I shall not be moved to say this is strange confidence; only I humbly conceive, you may well abate somewhat of it by a new survey and second thoughts.

10. My Assertion, (as you have collected it) is this; that the most who had Livings, had, at the writing my Book, subscribed the form and manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons, required by this Article.

This Assertion you assault after this manner. We do not know, say you, the most that then had Livings; and therefore cannot ask them the question; but we think they must be most of them reordained according to the new forms. Presbyterial Ordination had sure been very Active and Extensive, and Presbyters were easie wheelers.

11. But pray consider, why must the most of the Ministers that possessed Livings before the 24, of August last, be Reordained according to the new form? were there not many that enjoyed their Livings to that very day that were never Episcopally ordained?

But your thoughts spent upon *Re-ordination* had been better improved upon the Ejection of those Ministers that were found in other mens Livings; this might have rendered my Assertion less strange to you.

12. I do not say that the *Presbyterians* were easie wheelers; yet you know they were upon the wheel; and very many of them were by virtue of a former *Act* of Parliament turned off, and others that were *Episcopally Ordained*, and had been *Legally induced* into the same places long before, had the *better turn* of being restored.

13. Now I hope I may have leave to conclude, that the many Ancient Ministers that were *thus restored*, added to the number of such, both *Presbyterians* and others, as had continued in their places, during all the time of our great *Disruptions*, may easily make the Number of *Subscribers*, even at the time of writing my Book, to exceed the number of Ministers that then enjoyed their Livings, and had not *subscribed*.

Your next *Objection* is, that it was not the same Book of *Ordination*, which was

was subscribed before, it being in several things altered.

14. But, my dear Brethren, do not let us quibble away our Unity and Peace. Can you say, I am sure you do not say, that these books are not the same for substance? Can you believe that any can subscribe the Old, that can refuse the New? Yea, is not the book altered for the better in your own apprehensions? and cannot yourselves rather subscribe the New one?

15. You indeed offer that *some Additions and alterations made may b[e] in* your subscriptions: but certainly, if any such there be, it is but fair either to discover them, or not to argue from them.

16. I shall not ask you, whether every *accidental alteration doth change the individual Subject?* Whether the paring of your Nails, or the suffering the Alteration of every dayes Nutriment, render you not the same men? if so, where do I reply unto? or where shall I find my Surveyors?

17. But your next Item calls me to be more serious, viz. that black mark your

your pen hath cast upon some *Chipping* Ministers; to which I have only this to say, that though I dare not approve, but did personally dissuade some brethren from the same Action, yet [give me thinks the Love of Brethren] might have had a better interpretation, or at least a milder reprobation, if not a more private one for it; especially considering the reason of those that prevailed for such alterations in order Mainly for the satisfaction of such as are unwilling to conform without a Reformation; and therefore not likely to give any dissatisfaction to such as could Conform before; yet I would not plead for a scandalous practice, as I fear that was.

Q1 18. You do further object, That the Law might be satisfied with reading and subscribing so many of the thirty nine Articles as contain only the Doctrine of Faith, and of the Sacraments, with an omission of that which concerns the Book of Common Prayer; according to the Statute.

Q1 19. I know this hath been the opinion of many; yet I ever thought it a mistake

## *the Grand Case.*

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mistake; grounded upon a mis-understanding of the Statute. The words of the Statute are these, [*And subscribes all the Articles of Religion which only contain the Doctrine, &c.*] [which only] refers to the antecedent [*all the Articles*] and serves by way of explication of the Nature of all the Articles, and not by way of exclusion of any of the number; the sense is this; which, that is, *all which Articles contain only the Doctrine of Faith and Sacraments*. It is not said, *All those Articles only which contain, or, Those Articles which only contain, but, All the Articles which contain only, explaining the Nature of the whole, and not excluding any one of the number;* the Statute requires subscription to the whole number, which are all of that nature.

22. Here is the Continent; *All the Articles of Religion*, which we know are nine and thirty, the thing contained, and that is, *only the Doctrine of Faith and Sacraments*; there is not one excepted, either from this Nature, or from our Subscriptions: besides, if we exclude

exclude an Article after this manner, we fail in Arithmetick as well as Grammar; and while we have but thirty eight, we cannot be said to read or subscribe the nine and thirty Articles of the Church of England.

23. You intimate, That the Article touching the Book of Consecration is no Doctrine of Faith, or of the Seven Articles; which is to you to no purpose. I answer first, This is only to quarrel with the fitness of the explication, and the Parliament that gave it us, who, surely, did ill to tell us, That all these Articles contain only such Doctrine as is not to be found in one of them. But the Grammatical construction of the words will stand well enough, and carry it. That all the three & nine Articles of Religion contain only such Doctrine, in the judgment of the Parliament that made that Statute, unless you can shew us the exception of any one of those Articles, made by the same Authority, either in this or some other Law. *Ubi Lex non distinguit, &c.*  
24. Besides, Who knows not that the Doctrine of Discipline, Government,

ment, and Worship, and the Doctrine of *Imposition of hands* and *Ordination* is to be believed, and in a large sense is a Doctrine of Faith. In which sense, if the *thirty nine Articles of Religion* are said by the Statute to contain only the Doctrine of Faith, and of the Sacraments;

26. However the Article touching the Doctrine of Ordination be understood to be a Doctrine of Faith or not, it matters nothing as to our question, or to the unreserved subscriptions of most of the Ministers to all the nine and thirty Articles, of which this is one.

27. Lastly, you say, That the *form of subscription* required in this particular, by the new Statute of Uniformity, is such as was never required by Law before, this requiring an *unfeigned assent and Consent*.

28. But give me leave to ask you, Did you not subscribe to the *thirty nine Articles*, before, ~~at min~~? And were you not required so to do? Now what act of your Mind was exercised in that your subscription, if you did not *assent*? And if you did *assent*, did you not *assent unfeignedly*,

*unfeignedly*, but hypocritically? Or if you did assent *unfeignedly*, did you not *consent* also thereunto?

29. I need not tell you, that very learned men judg, that there is very little or no difference betwixt *Assentire* and *Consentire*: and, doubtless, if the object of both be the use of things, as it is in the present Case, they are all one, though, if there seem any difference between them, *assent* hath the advantage, *consent* seeming, of the two, to be the weaker, and the less free expression of our selves.

30. Therefore let the Statute it self decide the difference, viz. that of 13 Eliz. 12. which hath rendered the Latin, *ex animo*, by the very term, in controversy, an *unfeigned assent*, clearly intimating, That all that have subscribed the thirty nine Articles *ex animo*, have already given to the form and manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons, their *unfeigned assent*, and, by consequence, their *consent* too; and need not, without some other reason to the contrary, scruple to do it again.

13. But

31. But I hasten to the Case arising from the first part of this first Declaration, which concerns the *Liturgy*, against which you grant, that there lieth the greatest burthen of exception.

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CHAP. II.

*Touching the Book of Common Prayer.*

SECT. I.

1. WE come now to review the second Case, arising from this first Declaration, which is this.

2. Whether it be lawful to declare our unfeigned assent and consent to all and every thing contained and prescribed in and by the Book Entituled, *The Book of Common Prayer*.

3. This I affirm, and in the defence of my Assertion, still stand upon my former ground, viz. a *supposition*, that I deal with persons that intended to have *conformed*, had not these *Declarations* been required.

4. To this you also encourage me while

while you say, that though you could have conformed, yet you cannot make and subscribe this Declaration.

4. But, my dear brethren, give me leave to demand once more, *What hath bindred you?* cannot you assent and consent to that which your selves can practice? or cannot you do it unscignedly? or cannot you declare so much?

5. You say, I tell you the *Object* of our Assent and Consent is not the words but things: There are several Expressions, which though we could safely read, yet we do not so heartily approve them, as we seem to be required: not every thing, as there expressed, but every thing contained in the Expressions must have our Assent.

6. Here pardon me, if I fear you were somewhat in haste, when you took your survey by *Review*; you will find you have (may I say, too carelessly) shuffled in an *Objection* I made betwixt the parts of my *Answer* to it; and so force me to speak your own sense, or indeed Non-sense.

7. But, I am about *things* and not *words*,

words, though I cannot but note, that all you say about your wordy things are words that signify nothing as to your own Case, who say you could Conform to the book of Common Prayer, and consequently, I hope, read the words thereof with your unfeigned assent and consent to the lawfulness of the same.

8. This was the close of my former Answer to the *Objection* proposed; and though you could not but think yourselves obliged thereunto, yet you have taken no notice of it in your survey at all.

9. But, at last, you come home and object, that there are some things contained in the Expressions, which you cannot assent and consent unto: but what are they?

**SECT. 2.**

**SECT. 2.**

*Of, let us beseech him, &c.*

1. **F**irst you are scandalized at that alteration in the *Absolution*, Wherefore we beseech him, is now rendered, wherefore let us beseech him to grant us true Repentance, &c. It now seemeth (you say) to be an *Authoritative Sacerdotal Absolution*. But truly, if you think again, I am very confident you will change your mind, and judge, with me, that as the words are now altered, they do not look so like an *Authoritative Sacerdotal Absolution*, as they did before.

2. Besides, when you have well considered, that we have constant and daily need to beg *pardon* and mercy, and to receive *Absolution*, for safety and Comfort, from the Word of God: I believe you will not much object against the declaring the *word of mercy* to the penitent by the Minister of the *Church*; though it should have been (as now

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now it is not ) made a standing piece  
of solemn worship in every approach  
to God.

3. But you add, if it be not a forth  
of *Autoritative Absolution*, yet it is a  
*Ministerial Exhortation* of the people.  
But what then? methinks that should  
pass well enough with us; it being not  
refused, but constantly practised in  
*Scotland* it self; yea it is the substance  
of all our Sermons.

4. But then you intimate, that the  
*Amen* of the people thereto subjoined,  
is impertinent.

5. Pray, with *impertinent*, subjoyned  
to an *Exhortation*, more then to the  
*Creed*, a *Confession* of our Faith;  
or the *Demonstration* of the *Curses*? Deut. 28

Let us not discourage the people to  
declare their *unfeigned assent* and con-  
fess to an *Exhortation* to their *duty*,  
though it be with an *Amen*.

6. But this, you hint, you stick not  
at. Ah, whas then? You add, we are  
to be convinced, that the *Words* of the  
*Lords Prayer* are the *Necessary* and *on-*  
*ly lawful Petition* for *pardon* of *sin* in  
*every approach to God*, yet that is con-

C stantly

Gantly ſubjoyned.

7. Pray reflect a little upon their words of yours, and I hope you will pardon me, if I ſay you mistake.

8. What can the force of these words be, but that if you affent to the book of Common-prayer, you muſt affent to that of which you are yet to be conuineed; viz. That the Lords Prayer is the neceſſary and only Lawful Petition for pardon of ſin in every approach.

9. First, I defire you to conſider, upon what occaſion you utter this: because the Lords Prayer is ſubjoyned to the Exhortation in the Abjuration. Now, if you obſerve, you will find, we are not here exhorted to pray for pardon expreſly and directly, but for true Repentance, acceptance of our preſent Duties, the holy Spirit, a holy Life, and Eternal Joy; as the words of the Exhortation plainly import.

10. Again, if this be granted to be a Ministerial Exhortation, to pray for pardon of ſin, how doth it follow that the Lords Prayer is accounted the neceſſary and only lawful Petition for this mercy in every approach to God?

Yours

is

## *the Grand Case.*

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is the Absolution in every approach to God? Or if the Lords Prayer be, must it therefore be accounted the only Lawful petition of pardon of sin?

12. Lastly, all she reasons you express, to inference this Conclusion, is in your last words [that the Lords Prayer is constantly subjoyned;] but that indeed is no reason at all: for though it be constantly, yet it is not only enjoyed as a Petition for pardon of sin; and therefore, you cannot say that it is enjoyed or enjoyed as the only Lawful Petition for that end; and consequently your Objection vanishes.

13. Can it be affirmed by any that prays with the Book of Common prayer, though we do assent unto it, we assent that this Lords Prayer is the only Lawful Petition for pardon of sin, while we find so frequent and so various forms to that purpose, even from the beginning to the end of the said Book, besides that of the Lords Prayer?

13. What do those words in the Confession signify? But thou O Lord, have mercy upon us miserable offenders; spare thou them that confess their faults;

C a Re-

## A Review of

*Restore thou them that be penitent? How often do we meet with, Lord have mercy upon us, have mercy upon us miserable sinners.*

14. Again, more expressly, *Remember not our offences, neither the offence of our forefathers, neither take thou vengeance of our sins; Deal not thou with us after our sins, nor reward us after our iniquities; mercifully forgive the sins of thy people, and abundantly more in the Office of Confession, the visitation of the Sick, Communion, and indeed, either more expressly, or implicitly, in every approach to God by the book of Common Prayer, we have other Petitions of pardon of sin, besides the words of the Lord's Prayer,*

15. Thus we see, I think, wise and good men may have cause to join with us, in the words of our Liturgy, that it may please thee to forgive us all our sins, negligences, and ignorances.

SECT. 3.

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S E C T. 3.

Of popular Responds.

1. **S**econdly, you complain that you cannot *Affent* and *Consent* to the word [Answer] and the other directions for popular Responds, for these are, you say, in Mr. Crofton's *Dialect*, Repugnant to the Apostles Rule, *Let all things be done decently and in Order.*

2. My dear brethren, pray consider, that though these things seem so directly repugnant to the Apostles rule of decency and order with you & Mr. Crofton, yet they did not seem so, to our present Governours. What Order can be prudently expected in *Church or State*, if every private spirit should be Judge thereof; and accordingly, *Act or Resist* in publick Administrations? Yes, I dare in this thing appeal to your selves; were you in the place of Government, durst you trust the management of all indifferent things, and all external Circumstances about Gods Worship, to every private Discretion? I am sure the Apostles did not.

C 3 3. How-

3. However, you say in your Preface, that you have admitted and could admit many *inexpediencies* for the *liberty of your Ministry*. Now I am confident you will not say these are other than *inexpediencies* in your own judgments; and the reason of this confidence your selves have given me, page 15. where, referring to these things, you say, you could *submissively bear most things*; which cannot be understood, but in the use of them, and conformity to them: Now how you can admit *inexpediencies* in your practice, and bear with these things, and yet not give some assent and consent thereto, I am still to learn, especially that they are *indifferent*, and not *simply sinful*, though perhaps *inexpedient* in your opinion.

## SECT. 4.

## Of the Holy Table.

4. Again, you are offended at the word [Holy] as an *adjunct* to Table, frequent in this Book; for you

know no holiness of Places or Instruments under the Gospel.

2. For answer hercunto, pray ask your selves in what sense *Places* and *Instruments* might be said to be *holy* in the time of the *Law*, that the *Gospel* dispensation cannot bear, as you seem to intimate.

3. Nay rather, is not that holiness that was restrained to some places and some things in the time of the *Law*, now spread, by the coming of *Christ*, over all places and all things; *To the pure all things are pure. What God hath sanctified, call not thou common or unclean.*

4. So that any place or any thing that is capable of use, in order to *God's Service*, by this grace of the *Gospel* we have liberty to use it, and to set it apart for that peculiar use about the *Worship* of *God*; as this publick house and not another, this particular *Table* and not another, &c.

5. This, I know, neither you nor M. *Crofton* will scruple at; and this granted, you must needs confess that the exception against the word *Holy*, as given to the *Table*, is only a strife about

bout a word; for indeed you allow the thing, and all the thing which this word, as applied to the Table, intends to signific.

6. Neither can you reply, that it is improper to call a Table, in this sence, *Holy*; seeing you may easily know, the Church doth not intend by calling the Table *Holy*, a proper but a figurative holiness, or a holiness not *inherent* in the thing, but *predicated* of it, with respect to the end and use for which it is set apart; which distinction (I need not inform you) hath undeniable ground in Scripture.

7. Yet, seeing you say you know no holiness of places under the Gospel, give me leave to remember you of the *Holiest of all*, Heb.9.3. and that peculiar to the Gospel-state; the Holy Ghost signifying that the way into the *Holiest of all was not yet made manifest*, while *the first Tabernacle was yet standing*, v.8.

8. Yea, this seems to be a place to be entered into even in this life. Having therefore boldness to enter into the *Holiest by a new and living way*—And having a *High Priest over the House of God*.

God. Let us draw near with a true heart—  
not forsaking the assembling of our selves  
together, as the manner of some is, Heb.  
10. 19 to 26. To this the Holy Spirit  
answereth, Kevd. 11. 2. & 21. 2. & 22. 9.

9. But I am afraid of being mislaken; let me therefore have leave to add, that the end of my alodging these *Scriptures* is only to let you know, that *Holiness* is attributed to places under the Gospel. Contenting my self with my former *Answer* to the *Objection*, without any strict Application of the *Scriptures* pointed at to that end and purpose.

10. Howbeit, if you acknowledge, as I know you do, with the Apostle, Rom. 2. that there is such a thing as *Sacrilege* under the Gospel; you may easily persuadre your selves that some things may warrantably bear the *Attribute* of *Holy*, even under the Gospel: for what is *Sacrilege*? *Isaiah* 3. it unquestionably imports, that either the *things* that are *stolen*, or the place out of which they are *stolen*, are called *Holy*.

11. In a strict sense, *Sacrilege* is a *Robbing*

Robbing or Stealing things out of the Church, or any Holy or Consecrated place; and then *Sacrum in Sacrilegium*, οἱρά, in ἱερούλα, signifies the Church; which very words carry Consecration or Holiness in them. For ιερός, is properly *quid sacrum*; As *sacrum* is that which is *Holy*, and the Church is therefore called *Holy*, because it is *Holy*.

12. Yet in very *use*, and generally allowed speaking, *Sacrilege* is a larger Notion, and intends any spoiling or alienating any thing devoted or dedicated to God in order to his Service. Thus the *things* are called *Holy*, that are given to an *Holy Use*, or the service of the *Holy God*, and separated from common use to that special purpose; and he that steals and spoils the *Church* of the same, is *Sacrilegious*, or one that *Robs God*, and commits *Sacrilege*.

13. Thus *Churches*, *Lands*, *Table*, *Chalice*, *Cup*, may be said to be *Holy*; not in themselves, but their end and use. Therefore, to dedicate a thing after this manner, is by the *Latines* called *Sacra*, by the *Greeks* ιερός, and may in *English*, I think without any just

Just offence, if well understood, be expressed by Consecrating or making Holy.

14. I am sure the Apostles word is, *hunc est corpus meum sacerdotium*; and that hath he said, of sacramentum in it, which from the Caldei is rendered *diripit enim sacerdotum*, making an *hostia* *Holy*. The *Syriac*, *suraberis via Tempis*, intimating that either the *Temple* or the *Vessels* thereof, or both, are *Holy*. The *Aethiopic*, *Expiat Domum Dei*? calling the place of Worship, the *House of God*, and consequently, *Holy*.

15. What remains, but that you no longer stattle at the *Holy Table* which you know is set apart for the *Supper of the Lord*, to bear the *Cup* of the *Lord*, to serve the *Communion* of the *Body* and *Blood* of the *Lord*, and the *Holy Communion*, or the *Communion of Saints*.

**SECT. 5.**

**SECT 5.****Of the old Translation of the Psalms.**

**A**S to your Exceptions to the old Translation of the *Psalter*, and the pointing of it, they are not strengthened with any proof at all; nor so much as an *Instance*.

It yet lies on you to evince that this Translation is corrupt, as you have asserted, that the pointing makes manifest Non-sense, (which indeed serves not the sense at all, but only the *Misch*), that it variegeth the Text from the Original, yea, from Truth it self.

3. I confess, that such strange exceptions have been thrown against it heretofore, by the old Non-conformists; but, I suppose, you know they never wanted Answers.

4. You add the corrupt Translation of the fourth Commandment, where in the close of it, the seventh day is put for the Sabbath day.

5. But though I do not vindicate this

this Translation, yet I cannot but observe the extream emptiness of this Objection. Was not the Sabbath day then the seventh day? it is said, God rested the seventh day, and blessed the Sabbath: Yea, was not the seventh day the Sabbath day? It is also said, the seventh day is the Sabbath of the Lord; &c. God. 6. Besides the Septuagint, the Arabic, and the Syriac, do all agree in the same Rendition, with our own Translation: so that if it be so gross an error as you pretend, it is a very old one. But indeed, whether the not altering of the word, were an oversight in the Examiners, or not, the sense must needs be yielded by you to be the same either way. However, here again; I much needs remember you, that you come submissively before these things; that is, by conforming to use them as Ministers; and that this your bearing of them doth undeniably suppose such an Assent and Consent unto them as the Law requires; which I doubt not but Evidence in its due place.

SECT. 6.

And another thing which I have  
written to determine the time at which  
such a baptism can be given. W. will  
believe best, by his opinion which follows

*Of the Salvation of Infants.*

Answer you himself when you say  
 1. I am now arrived at the last of  
 your exceptions of this kind, and  
 that is taken from those words in the  
 Liturgy, touching the Salvation of Infants,  
 "I am certain by the Word of God  
 that Children being baptized dying before  
 they commit Actual Sin, are undoubt-  
 edly saved."

2. You say you can Christianity be-  
 lieve the Preacher giving Nature and His-  
 tory of the world, that the undoubted  
 Salvation of all baptized infants dying  
 before they commit Actual Sin, is certain  
 by the Scripture you say you cannot shew.

3. But truly my brother I cavil not  
 than so much is required of you. And  
 therefore I must be bold to mind you  
 that the universal Note [All] about  
 your own inferring. It is not said of  
 Children, but *Children*, - except and

4. It is an indefinite Proposition, but it is  
 a Proposition, and consequently, neither

3. T C E 2

Rubrick

## the Grand Case.

35.

Rubrick for direction, nor any part of Admiralty apon, it is moste probable Nature; and I bumbly conserue, it will appear anon, we are now reuerted by the Act to subscribe to it; the which annexes the Object of our Assent and Confirmation, in the Declaration, to the use of what things contained and prescribed in the Common-Prayer.

5. Again, as it is an Indefinite Position, I conceive you need no example to satisfy you therein; and in like manner with a Christian belief, also respecting nature, use and efficacy of Baptisme.

6. For upon this belief, we cannot agree otherwise; than this Effect of Baptisme hath its Effect upon farrre mire Subjects; and if this belief be grounded upon the Word of God, then so much is certain from the Word of God, that some Children being Regenerat, & born put in a state of Salvation by Baptisme; and therefore, dying before they comitt Actual sin are undoubtedly saved.

7. But your reply, is it not said, *Children*, but that is Children, *without* regard of their regeneracy and vituousness.

8. I therefore proceed upon this Answer.

Fours-

Indulgence to inquire, whether the Proposition in Controversie be to be understood Universally, or not. This is indeed the Question; yet by my consent, you have liberty to Answer it yourselves. For firstly, If this Proposition be to be understood Universally as to all such Children that are mentioned in it, the matter of it must be necessary. For the form of the Proposition is indefinite, and an indefinite Proposition is not compellent with an Universal, but in *Materia Necessaria*.  
 Also, You have yet your choice to say, whether the Matter of this Proposition be necessary or not, *ad statum*, *ad hanc*. If you say the Matter of it is not necessary, then the meaning of the Proposition is not Universal, and the difficulty is over, seeing it is agreed, that Baptisme is regenerating, and *sime simili* Children are saved. For if some Children, then Children, *thus dying*, are saved; and that is sufficient, if the Matter be not necessary; and consequently the Proposition not to be understood Universally.

12. Again,

12. Again, if you urge that the matter of this indefinite Proposition is necessary, then I am content you can divide it ~~univer-~~, & extend it to all such children.

13. For what is the matter of the present proposition, but the salvation of baptised Children, dying before they commit actual sin. Now this is granted to be true of some, else the Promises of none effect to the Children, and Baptising of no efficacy; and if it be said to be necessary, it must be true of all; and you need not doubt to Assent unto it in a universal Proposition.

14. Thus Jesus Christ, the True faith, Came into the world to save sinners. This is a true Proposition, whether the matter be necessary or not, because it is certain that he came into the world to save some sinners.

15. For if the matter be necessary, then it is Universally true, if not necessary, then it is indefinitely true; if he came with a purpose to save all, he came to save sinners: and if he came not with a purpose to save all, yet he came to save some sinners, and therefore sinners.

16. One more, that Baptisme is for the Remission of sins, is a certain Truth,

## A Review of:

an undoubted Proposition, grounded in the Scripture, be Reprinted for the Benefit of many more than I have done. This is a Proposition, of an indefinite Nature; if the Matter of it be necessary, it is true; as I have said, Universally; (where its efficacy is not impeded by the incapacity of the Subj.) as it is not in Children; but if the Matter be not necessary, the Proposition is still true, that is, indefinitely; ad hunc etiam rationem hoc est quod dicitur in 18. To conclude, either all such Children are saved, or some only; In either Tende, the Proposition being but indefinite is true; if all such Children are saved, then the Matter is necessary, and the Proposition equipollent with an Universal Proposition: if some only, then the Matter is not necessary, and consequently there is no necessity, yet no liberty left us, to stretch the Proposition, which is indefinitely both in its Form and Matter, upon any Universal signification; if I am not mistaken, by so doing we do not get the best of doctrine, nor the best of orthodoxy; but if we do not get the best of orthodoxy, we do not get the best of S C T. 10. 7. which neither is fit to call a Religion.

# the Grand Case.

11th October 1700. Mr. Brad  
S E C T. 7.

## Of Assent and Consent unseigned.

**H**aving dispatched your suscep-  
tions against the Objects of  
your Assent and Consent required by  
the AG. viz. The book of Ordination,  
and the book of Common Prayer.

We proceed to review those  
matters themselves, this Unseigned Miss  
and Confess, upon which no greater  
specie of Controversy yet remains  
so far. An Object that I proposed and  
Answered in my last book, seemed, if it  
had not to create, yet to provoke and vex  
very much to heighten this part of the  
quarrel.

The Object that I proposed,  
was this: I suppose it might be said  
by some, that though we could use the  
things, it is only for Praise sake, and in  
Obedience to Authority; not that we  
would choose or can absolutely approve  
of the things in themselves upon any  
Hoccum, unanswered, as you well  
know, that we may approve a thing  
absolutely, or compatibely, or re-  
spectively, and consequently, so give  
our Assent and Consent unto it; and  
that

that the *Act* cannot be thought so strict as to allow of no *Affent* or *Consent*, but such as ariseth from an absolute approbation of the things themselves, without any other extrinsec considerations, that may move and sway us to such an Approbation.

6. The *Act* requires but an unfeigned *Affent* and *Consent*, and an unfeigned *Affent* and *Consent* may arise from such a comparative Approbation, as a man may unfeignedly Affent and Consent to his Childs Marriage, though he like not the Match very well; for the avoiding of some greater inconveniences than otherwise might happen.

7. I further observd, that to impose the *Act* into such an absolute Approbation, is against charity to our selves and our *Graemours*, and against common reason; seeing it is an moral impossibility, that all men should be accordinly of one mind in so many particulars required of us; seeing also the grounds of this *Affent* and *Consent* are not specified in the *Act*, but left to our selves; and lastly, seeing that the very *Act* itself brings motives with it no peraditt us to Conformity, which would

significeth nothing, if no consideration of the Case, besides, the absolute goodness of the things themselves, is allowed any force to prevail upon us.

8. I therefore conclude, that we are left at liberty by the said Act, to compare the Consequences of obedience with those of disobedience, and accordingly to approve so and declare, or not.

9. Now let us examine what you say to these things.

1. To my argument from charity, you answer it, only, with Jesu Christ.

2. To my argument, that the grounds of Assent and Consent are not specified in the Act, but left to our selves, you answer nothing, because you mistake it.

10. You observe well, that I say the grounds of this Assent and Consent are not specified in the Act. But how strangely do you Comment upon it?

11. If by ground (say you) I mean the reasons inducing the Legislators to require such an Assent and Consent you must be bold to deny what I affirm. Then you shew the grounds in the Act, for enjoining such a declaration of Assent and Consent: And this is all you answer.

12. Now hath I meant as you say,  
I confess you had answered me? But if  
my words could not signify any such  
thing, as upon review you will be easily  
convinced, you have answered your selves,  
and not me at all.

13. Pray then Consider, is there not  
a difference betwixt the grounds of *Affent*  
*and Consent*, and the grounds of the  
Governours to *enjoy* a declaration of  
*Affent and Consent*? could the scope of  
my argument, or the very words of my  
proposition, intend the latter, or not the  
former?

14. The grounds of *enjoying* such a  
declaration are in the *Legislators*; and  
are the grounds of the *Act* requiring  
these, indeed, are specified in the *Act* of  
*uniformity*. But the grounds of *Affent*  
*and Consent*, or of declaring the same,  
are in the *Subjects*; and are properly  
the grounds of *obedience* to that *Act*,  
which, I must still say, are not at all  
specified in it.

15. To my other argument, taken  
from the motives which the *Act* it self  
affords us, you only say, that such Arguments,  
as the *avoiding a severe penalty*,  
*a legal opportunity of serving the Church*;  
not

not shewing our selves oblique to authority, but are bad Indicaments to an unfeigned Assent and Consent.

16. But, upon second thoughts, I cannot believe you will maintain the Quarrel with such motives as these, which have doubtless <sup>a divine sanction</sup>, what more familiar, with the Spirit of Scripture, than to use such Topics of wrath, address, curse, death, and hell it self, to dissuade from sin, and to move towards Heaven; and yet I hope the Assent and Consent, brought hereupon, is not always feigned, or always a faint unfeigned Assent and Consent.

17. Neither, can I believe, that you are *tenacious* in this, because you lay it might somewhat satisfy us, if we had assurance from our Legislators that such a comparative approbation would satisfy the Law. For I conclude from hence, that what ever you say, there is not, even in your apprehensions, any inconsistency or contradiction betwixt such a comparative approbation and an unfeigned Assent and Consent. Though I can see no reason, in the world, why the Legislators should expressly declare so much.

18. We have the intention of the

48, and why should we further trouble our selves about the intention of the makers of it? The *Act* intends, and therefore requires uniformity, in order thereto; conformity, and security thereof, by this declaration of an unfeigned Assent and Consent.

19. So then, it is the intention of our Governors, that we should assure them, as much as in us lies, as to uniformity in practice, by giving our unfeigned Assent and Consent thereto; it is not said upon an absolute or upon a comparative approbation: If it be unfeigned, that is the very thing required, and therefore intended. Then the great Question is, that which is indeed beyond all question, viz. whether we may be drawn to give Assent and Consent, and that unfeignedly, from other considerations besides the very goodness of the thing itself, absolutely, and in it self alone, considered.

20. If it be granted, as it cannot be questioned, then our Governors have already declared, that such a comparative approbation doth satisfy the Law.

21. For if there be an universal agreement in the worship of God, though upon

upon differing motives, and uniformity be effected, though not from an *exact unanimity* in every particular reason or ground thereof; the Law hath its end quoad *extremismum*, which, I conceive, is the best measure of its end quoad *intentionem*.

22. I say, indeed, had the word [Free] been used in the place of *unfeigned*, there had been *more colour* of objection. And for this you take me up, and learn me, that Freedom is *essential* to *unfeigned*.

23. But what then? might there not be *more colour* of objection, if not more *reality*?

24. I thought, I might have bin easily understood according to that vulgar use of the word free, wherein the objectors used, and I interpreted it. viz. When we do choose a thing of our own accord, and Assent and Consent unto it for it self, without any further inducement thereunto from the *Laws* enjoying it.

25. Moreover, take Freedom in its strict and proper sense, as moralists use it, and doubtless, it is as *Essential* to *Assent*, and *Consent* as it is to *unfeigned*; yea, *unfeignedness* is as *Essential* to *Assent*,

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and

and Consent, as Freedome is to unfeigned ; and then what have you gained by this interruption ?

26. Therefore unfeigned, the word so much stuck at, that bears the very burthen of general complaint, gives only the colour, nothing of the truth of the weakest objection.

27. For it really adds nothing to Assent or Consent, or to the declaration at all for all ; Assent and Consent, as such, is both unfeigned and free. And tis a plain contradiction, to say a feigned, Assent and Consent, we may indeed, make a feigned Declaration of our Assent and Consent, but we cannot declare a feign'd Assent or Consent; for there is no such thing.

28. What remaines, but that we lift our eyes over the word unfeigned, and stumble no longer at it ; but proceed to Assent and Consent, which ever carry the thing of unfeignedness with them. So that if we can truly Assent and Consent, we do it unfeignedly. And if we do Assent and Consent, unfeignedly, let the grounds and motives be what they will, the Law is satisfied, and so may we.

SECT.

on his <sup>name</sup> and to his living. And  
said to them, S.E.C.T. 8.  
Philosophise in the *Att*, [the offi-  
cer doth of all things, &c.]

1. But I humbly conceive the <sup>name</sup>  
Book is yet more easier to our  
Assent and Consent, if it be consider-  
ed not in its speculative but practical  
capacity; or with respect to Confor-  
mity, and our use thereof in the wor-  
ship of God, as the *Att* most plainly al-  
lows us to do.

2. Indeed, if you demand, what we  
must yield our unsighled Assent and  
Consent unto, the declaration tells you,  
to all and every thing contained and pre-  
scribed in the Book of Common-prayer.

3. But if you again demand, in  
what respect, or after what manner,  
you must Assent & Consent to the same;  
The *Att* interprets as they are practi-  
cally considered, or with respect to their  
use, in order to publick uniformity in  
the worship of God.

4. Therefore the words immediately  
foregoing this declaration, I have noted,  
are these, every Minister shall declare his  
unsighled Assent and Consent, to the use  
of all things in the said Book contained,  
and

and prescribed in these words, and no otherwise they are the words of this Declaration. It is further to be observed, that wheresoever this Act doth any time mention the said Declaration, it puts this very meaning upon it; that whereby we say to declare our unsigned Assent and Consent to the use of Common-prayer, and that is all is intended by the words of this Declaration.

The sum is this; in these words, as the Act interprets them, we do but declare our unsigned Assent and Consent to the use of common-Prayer; wherefore there is an Assent and Consent to the use of common-Prayer, where there is an unsigned Assent and Consent thereto; and where there is a purpose to Conform, were not this Declaration required, there is doubtless an Assent and Consent; yes an unsigned Assent and Consent to the use of Common-prayer, which is all in this particular, we are desired to declare, and what yet can hinder us? T

You say, that this refers our Assent and Consent to the using Act, and that only; you cannot see, neither indeed can I see how you infer it from

my

my words immediately repeated by your selves: *all things with respect to their use.*

7. The using *All*, and a thing with respect to its use: are not all one; they differ formally: the one is the *All*, as you express it, the other the *Object* of that *All*, as I must needs intend this; one would think beyond all possibility of misapprehension.

8. Yet, upon this misapprehension, you proceed and enlarge your selves above one page, answering your own *Supposition*, not my *Proposition* at all. I do clearly grant, that we do no Assent and Consent to the use of the things *exclusively* to the things themselves, which sounds to me an impossibility in it self, yet we Assent and Consent to these things *only*; (I mean, we need do no more) as they are *predicable*; or as I plainly expressed it at first, *with respect to their use.* Now So that all the *Dust* you cavilled upon this false ground, about *Uniformity*, with its *Secure*, *Unanimitic* is fallen to nothing; seeing my first Expression about it, which your selves also noted, that alloweth the *Object* of Assent, and Consent, to be *all things*.

things with respect to their use, according  
eth both Uniformity, & Unanimity in it;

¶ 1. Only let me enter this Report,  
let not Unanimity outreach Uniformity,  
while we Assent to the use of *all things*,  
in the book, we assent to those things  
that are to be used, and to no more;

¶ 2. Uniformity is restrained to the  
publique *Worship* of God; so far, a  
Universal agreement therein by Assent  
and Consent is to be allowed, to be  
the fence of the *Law*; that is, to the  
use of *all things* in the *Book of Com-  
mon-prayer*; and to the things themselves  
as they are practicable, or pro-  
posed to be used, or, as before, with re-  
spect to their use in the worship of God.

¶ 3. Hence appears the difference bet-  
wixt the two Declarations easily re-  
solved. In the first, we consent to the  
use, and the things to be used; in the  
Second, we move then Consent, we  
promise that we our selves will use  
them, or conform unto them if no

¶ 4. Give me leave to subjoyn two  
advantages, which offer themselves from  
this interpretation, towards a good ac-  
commodation betwixt us, & you.

¶ 5. ¶ 3. Then if there be any such  
things

thing found in the body of Common-prayer, as is not of a practical Nature, as a part of a publick Liturgy, or capable of use in publick Worship, (and I humbly offer whether the touching Children dying Baptism is not such) is need not be concerned in our Declaration or Subscription.

16. a. Things, with respect to their use, are properly, and more immediately to be considered, as *fit*, not as good in themselves, but as fit for the services for which they are intended; yet, it is not necessary that *this* should be referred to *the things* to be used, but rather, the person that is to use them, and our use of them, *not am evi*.

17. So that, upon the just weighing of all Circumstances, if we can confess, that for the avoiding of certain great inconveniences, the *use* of these things (not *sinful* in themselves) is a thing to be chosen, that this Conformity is to be practised, we have sufficient ground according to the Law, to declare our Assent and Consent thereto.

18. What remains, but that we are yet allowed *this* to reason. Here is such a Declaration required by Law, and such

such a sevre Penalty imtinct, for all  
that disobey it; though I could rather  
have liked the book of Common-prayer,  
if such and such things had been alter-  
ed; yet rather then lose my Living,  
and therewith all M<sup>e</sup>al Opportunity of  
serving the Church, rather then shew  
my self cross and disobedient to Au-  
thority in lawfull things, rather then  
Ruine my self and Family, for a thing  
indifferent, though in it self I judge it  
inconveniente; I do abase to be obed-  
ient and conformable; and in order  
therunto, upon these grounds, I de-  
clare my Assent and Consent, unfeignedly  
to every thing to be confirmed unto.

19. Give me leave to add the Obje-  
ctions of others, which you mention not.  
They say, if it had been said that we  
must assent to all things prescribed *only*,  
it might have served my interpretation  
well enough; but it is all things con-  
tained, as well as prescribed, must be  
consented unto.

20. I answer, First, it is contained  
and prescribed, Not prescribed and  
contained; so that prescribed seems to  
bound contained. 2. 'tis contained and  
prescribed, not, or prescribed, so that  
what

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what is contained, if not also prescribed; we need not give our assent unto it; It must be both contained and prescribed.

21. But, if there yet remain any *doubt*, about the *legal* meaning of these words, the *Act* it self explains it beyond all dispute: You see in the words before cited, that both the words [*Contained* and *Prescribed*] are referred to the *use* of the things: [*To the use of all things contained and prescribed*] so that the *Object* or *use* is nice and verbal only, and thus vanishest.

22. If you should desire to have your *own* sence yet more secured; I humbly conceive there would be no offence done to the *law*, if you express your selves after *this manner*. Having read the Morning and Evening Prayer—according to the Book of Common-Prayer, at the times thereby appointed, and being required by the *Act* of Parliament, after such reading thereof, openly and publicly before the Congregation to declare my unsiegnd Assent and Consent to the *use* of all things in the said book contained and prescribed, in these following words and no other; Accordingly, I do declare my unsiegnd Assent and

E

and

and Consent to the Use of all things in  
the said book contained, and prescribed  
in these words, and no other. I. A. &  
do here declare.

23. What possible Exception can lie  
against such a recital of the words of the  
*Act*, which are set immediately before the  
*Declaration*, in order to the making and  
subscribing of it, while we add no words  
of our own, nor take any from the *Act*, or  
from the *Declaration*?

24. If it be said, you fear that a *De-*  
*c-l-a-r-a-t-i-o-n* will not be accepted, that is  
thus, proclaimed, and conditioned,

25. Give me leave to say, I cannot  
but believe there is no reason so doubt it,  
or to defer it, as a favour from any; see-  
ing you add no words, nor put any sense  
upon the *Declaration*; only reciting the  
words of the *Act*, requiring and declar-  
ing, according as is required, in those  
words of the *Declaration*, and none  
other.

26. However, suppose (that that is  
not to be supposed) that such a *Decla-*  
*r-a-t-i-o-n* should be refused; and that with-  
out such a kind of explaining your self,  
you are resolved not to declare or sub-  
scribe at all. Yet consider by so doing,

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thought nor suspected, you are not the ~~worst~~, or further off from your Living than you were before; and now you may sit down quiet with this reflection; that however you have done your utmost to Falsifie the Law, the Word, and your own Conscience.

## CASE the Second.

Whether it be lawful to Declare in the words of the second Declaration.

1. You consent to the distribution I made of the second Declaration into 3 parts: That which concerns the taking Arms against the King, Confession, and the Oath called the Solemn League and Covenant.

2. The two Cases arising from the first part, taking Arms against the King, you say, do not much concern you, and give me leave to return, that I am not concerned to answer either.

3. To the Case about Confession arising from the second part, you add nothing, but seem in hafte to get into your strong hold, in the last part of this Declaration, touching the Clergy, and whether I am ready to attend you, and to change with you.

# A Review of

4. We are therefore fallen upon the main Case, which was the first in order in my last book it is; and now how

## CASE VI.

Whether we may lawfully declare in these words, *I do hold there lies no Obligation on me, or any other person, from the Oath commonly called the Solemn League and Covenant, to endeavour any change or alteration of Government in the Church or State?*

1. **T**HIS I affirm, and undertook to prove it by an Argument taken from the matter of the Covenant, as is here specified; not with respect to the Government of the Kingdom, where we are agreed; but with respect to that of the Church, wherein we differ.

2. You also grant my Consequence; that if this part of the matter of the Covenant appear to be *sinful*, the Covenant is so far void of it self.

3. The very Question then is, Whether to endeavour a change of Church-Government be *sinful* or not. I affirm it, and give you my Arguments once again for it; and heartily wish, they may find, in their new attire, better entertainment with you.

4. You

4. You observe, I make my self 'on'-  
set by Doctor Sanderson's distinction of  
*juramentum illicitum de lege, & per acci-*  
*dens.* You farther say, I grant that the  
matter of the Covenant is not simply  
and of it self unlawful; you intimate,  
that I hold it only sinful by accident.

5. My dear Brethren, I cannot for-  
bear to tell you, that you make too  
much haste, & stumble at the threshold;  
you fall both upon that Reverend Per-  
son and my self with too plain mistakes.

6. The Bishops distinction which  
you intend, is not that of *illicitum per*  
*se vel per accidentem*; I do not hear who  
that distinction; I do not grant that the  
matter of the Covenant is not simply  
and of it self unlawful; much less that  
the matter of the Covenant is sinful *per*  
*accidentem* only. The truth is, both the  
Bishop and my self, in the very places  
your words refer to, do more then either  
say quite contrary to what you affirm;  
in all which, will you but take the pains  
to read over again that Chapter in Do-  
ctor Sanderson's Book, and in mine, that  
are here concern'd, your own eyes shall  
judg betwixt us.

7. This place you intend in Bishop

Saxtons Book, I Pag. 74, 75, Sec. 9.  
the Case is, *De re ilicita Stockdami*,  
whoring indeed, he is so directly against  
you, that it is much to many eyes should  
not observe it.

8. A thing (sith hit) is unlawful if ex-  
cusable, when it is not so in its own na-  
ture, or to all persons: *Sec. qdibusdam*  
*zontiam pro conditione suorum personarum*  
*eximuntur, prout a fanez sicut hanc*  
*mutatio, et in causa aliquanta excep-*  
*tione sicut hanc ilicitum enim idoneum est*  
*ex accidente rursum his quia sunt*  
*membra alienis communisitatem quicquid*  
*legibus illius communisitatis reprobatur.* His  
reason there is, because it is forbidden  
by God, though not primarily, yet sec-  
ondarily; that is, in the command of  
obedience to our Governors, and con-  
sequently the Laws of the Land.

Now, that your discourse of this  
distinction intendeth this very place of the  
Bishops Book, you give us a full demon-  
stration in your next words following.

9. You say, you must make bold to  
mind me, that the Learned Castell hath  
determined the Case with an *Ordinariis*;  
*Hec juramenta ordinariis missitudine;*  
meaning, such Oaths as are taken to do

a thing that is thus evil, not simply, absolutely, or to all persons; but to us, that by reason of our places are not allowed to do it, they ordinarily do not bind.

I L. I acknowledge he [says] (though nothing to your advantage) Ordinariis  
disco quid farfalle possum affectus in omni-  
bus instrumentis cum viderit aliam legi  
communitatis et vocationalis aduersari, &  
si non debet esse fiscis, subcepimus tamen  
potest obligari.

I 2. You add, That the Advocates  
of the *Covenant* think they may bring  
the *Covenant* within our Casull's excep-  
tion; but upon an unbiased reading  
our Casull's following explication of  
himself, there is nothing more evident  
then the contrary; herein also your  
selves shall be Judges.

I 3. Yet, first, give me leave to note, our Casull's Caution is with a *faraffa*; perhaps such a Case may be; he never thought, you know he never said the Case of the *Covenant* was such; yea, his [videtur] adds no strength to the ex-  
ception, that is, when the Oath seems,  
but seems to be against the Laws of  
Community; but that he might leave

no room for the scruple, he hath explained himself to his own instance in a disjunctive penal Law.

14. His Case is this; Let the Law of the City be (saith he) that no man being chosen to the Office of a Pretor shall refuse it: or if he do, he shall find such a sum of Money. Caius swears he will never be Pretor: but after his Oath, he is chosen to that Office. The Question our Casuist puts hereupon is, Whether Caius be bound to keep his Oath or not: and answers it thus he ought not to have I sworn: but having sworn, he ought to keep his Oath, and pay the Fine.

15. Now, how far this is from the Case of the Covenant, in it self, I need not say; and how far it was so in the judgement of our great casuist, his following Discourse doth sufficiently Demonstrate.

16. I would here (saith he) be understood *Precise in quantum adversatur legi Civitatis. Nam respectu finis aut alterius cause, imo respectu ipsum etiam Materie quatenus est impedimenta majoris boni publici, aut aliunde, potest iusto subesse ratione Obligationem solvit.*

17. Now admitting this exception of the

the Rule, it is not possible to apply it to the Covenant; however, if the Covenant could be granted by some thing extraordinary in it to be excepted also, yet you see the Casuist hath provided several other Topics to render it non-obliging, from the end, or the very matter it self, if it may hinder a greater publick good, *aut aliam deponit iusta subesse ratio que obligationem tollat.*

18. Give me leave also to remember you, that I made my meaning touching the said distinction plain enough. I did not distinguish, as you assert I did, That the thing sworn might be *illictum per se vel per accidens*; but I rather distinguish'd of *illicitum per se*, as to the matter of the Covenant, and that was either simply and *primarily* evil, or *secondarily* and *exordi nos*; when thought it be not sinful in the primary consideration of it, yet to such and such persons it is sinful; that is, forbidden by God, as I did sufficiently explain my self.

19. I did further conclude, that a thing thus sinful, *quoad nos*, as being some way or other prohibited us to meddle with, is *illictum per se secundas r/o*, and therefore not only so *per accidens*.

*that*. These are my words: To whom a thing is forbidden it is as it were unlawful in it self, (as the Apple to our first Parents) and as it is unlawful for us it goes into the matter of the Covenant which we take; and by consequence, that which is only unlawful to us if sworn, doth make that Oath unlawful in it self, that is, in the very matter of it.

So that the Consequence being granted, if this be proved, that it is unlawful in either sense, either simply or ~~quaed nos~~, to endeavour the Ecclesiastical Government of Church-Government, we may bring the difference to an happy conclusion.

But I rather chose to argue upon the latter branch, that to alter the Government of the Church is unlawful ~~quaed nos~~; and that because it is against the Rights of the King, the Laws of the Land, the Privileges of Parliament, the Liberty of the Subject, and the former Obligations that lay upon the Nations; all which I am bound to defend.

### CASE VI I.

Whether any private or single person may lawfully endeavour the Alteration of Church

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Church-Government by virtue of the  
Government. It will shew him I make  
bold to O that which I have said upon  
this Case you only return a  
discovery of three Principles, which  
you affirm I take for granted, though  
they are denied by my Adversaries.

1. That the *Long Parliament* is dis-  
solved. O beabni NOV 5/6 E  
odW
2. That the *Crown* is the only princi-  
ple and personal.
3. That each single person is entitled  
by my subsequent Argument.

These you call *granted* Principles,  
but if they may not be granted, though  
they are Principles, I shall endeavour  
that they may be proved; though I  
hope, very few of the people of England  
need satisfaction in such points as these.

### SECT. II. *Of the dissolution of the long Parliament.*

1. Touching the *Dissolution* of the  
*long Parliament*, I could not  
dream, that so ingenuous persons had  
any scruple: I would fain hope that you  
want a *Refuge*, when I find you in so  
bad a *Sandbury*.
2. Yet when I read your words, so  
warily

stirrily conditioned in this great particular, I find some small encouragement to think, that though you now stumble at this steppe; if every other stone were remov'd, you would stumble over it. You say it hath been said, you dare not say it, and in obedience to present laws you are judiciously silent.

3. Are you indeed Obedient? to what? to the present Laws? Who made them? the Parliament. How comes this to be a Parliament, if the Long Parliament be not dissolv'd.

4. If the Long Parliament be yet in being, the Present is none, albeit Laws are none, yet your Obedience is none; if you acknowledge the present Laws, you acknowledge the present Parliament; and thereby you are over the stone of stumbling before you are aware; for you acknowledge the Long Parliament dissolv'd.

5. Now there are but two ungranted principles; for one you have granted upon a better Argument than I had thought of, your own Obedience to the present Laws.

6. Truly, I took you to be so ingenuous before hand, and therefore I presumed

sumed to take this for granted, and thought I might do it without offence. For it is not only the ground of Obedience to the present *Law*, but the Foundation of our Peace, our Liberty, our Freedom, our Lives, and indeed of all we are worth in this world; and such a stone, (not of stumbling, but) of the Corner, that it is hardly safe to touch it, though with an intent to fashen it. But, blessed be God, it is fast enough already in our constitution, and I hope not much loosened in your opinions.

7. Yet, if you are in *doubt* of what disease that great body died: I refer you to Judge Jenkins and Mr. Price, who, though in other things they differed too much, agreed very well in this great point.

8. Indeed the Name, *Parliament*, which signifies to consult and treat; together with the *Writ* whereby the two Houses are *Assembled*, are a full Declaration of its departure or dissolution long ago. They are thereby called to consult and treat with the King: wherein it signified that *Rex est habitorum Colloquium & Tractatum cum pralatis, magistris, & procuribus Rex in hoc indicando.*

9. Hence

9. Hence Judge Fiskind argues, that the Parliament dissolved upon the King's being forced from the Kingdom and put into an incapacity of treating with them; however at his death they died on course.

10. The King dying, with whom they are to treat, and for which end they have their being, the end of their assembling, and consequently of their being, is gone with him, and they are no longer a Parliament. A Parliament is a Relative term; the Relate and Correlative die together. Therefore, the King, in our Laws, is *Principium, Caput, & finis Parlamenti.*

11. It may be said, the Act secured them against the King's death.

12. 'Tis plainly otherwise; indeed, it secured themselves from any violence to be done to that end, by the King himself: there is no such clause in the Act, that they should not be capable of dissolving any other way, much less, in particular, by the King's death: no security to save the Body when the Head was off.

13. But a Parliament may be dissolved, or dissolve; die, or be kill'd: the Act secured

secured them from being dissolved by the King's power, without their Consent; not against the Law of Mortality, or before dissolving on course at his decease.

14. This is very evident in all Parliaments: if the King's favour shall continue a Parliament his whole time, that Parliament bath all that the long Parliament desired or obtained, by the Act specified; yet upon the King's death, such a Parliament dissolves, according to the nature of the thing and the constitution of the Nation.

15. Who can be so fond, as to imagine, that it was ever intended, either by the King, or both Houses, (especially if the Reasons be weighed, with which this Act was prosecuted,) that the constitution of the Nation, or the cause of a Parliament, should be altered by it; nothing more than that the King should now dissolve them by violence; that is, without their own consent.

16. 'Tis as frivolum to mention, that the King never dies in this respect, & that it is evident, that as the King is the Head of the Parliament, the Relate & Reasons of a particular Parliament, so he doth die. For, as was said, a Parliament when dissolved

*disolv'd by the King in his life time,*  
*dissolves of it self at his death, and why,*  
*but because in this sense the King dies?*

17. I never heard such Arguments as these following answered, though indeed we need them not. They are Judge Jenkins's. He affirms that the *Act* for the continuance of the long Parliament is Repugnant to those for Annual and Triennial Parliaments; which being all *Acts* of one Session, are all *Acts* of one day, and repugnant to common Right and common Reason; and impossible by the King's Mortality; and maintains, that when an *Act of Parliament* is thus against common Right and Reason, and repugnant and impossible to be performed, the *common Law* shall control, and adjudge such an *Act* to be void, and that these are the *words of the Law.* 1. Par. D. Downham's Case, fol. 11 S. 8 E. 3. 3. 30. 33. E. Cessavit. 32. 37. H. O. Annuity 4 L. 1. Eliz. Dier. 313.

18. I hope, you will not demand who shall judge of such a Case, since *all parties* have practically resolved this long agon.

19. The Rump thought that Parliament too long; the whole Nation were offended

## the Grand Case.

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at the Rump : The Long Parliament men themselves, when they were together again, in order to the blessed Restoration of the King, had a desire to be dissolv'd, and did what they could themselves to do it : and you know that both King, *Lords* and *Commons*, have ~~since~~ made a Law, to which you say you yield Obedience, that brandeth it for an high offence, for any to say that the *Long Parliament* is not dissolv'd.

20. But my dear brethren, because you intimate that you are not fully satisfied in this point ; out of my hearty desire to do you any service, I have advised with a very learned Sergeant in the *Laws*, from whom I received these 3. Reasons : every one of which, he affirms, demonstrates that *Parliament* to be dissolv'd ; *in sua arte credend.* &c. and I hope you will be fully satisfied with them : they are these,

21. 1. By the death of the King ; there being nothing in the Act of continuance that doth or can secure them against that.

2. Because every Court in *England* dissolves on course, if it rises without adjourning, or doth not meet again, at the time and place appointed.

F

3. Be-

3. Because, when a Parliament recesses, and the Electors chuse new Representat<sup>t</sup>ives, the first are dissolv'd thereby, I need not apply these Rules, only, if you yet doubt the force of them, and desire, as I know you will do, more full satisfaction, you will certainly without my advice confer with some able Lawyer, whom you may safer in your own apprehensions confide in. In such a case we must take things upon trust, and if we will be satisfied, we must trust some body, choose your Friend.

## S E C T. 2.

Of the Reality and Nationality of  
the Covenant.

1. IN the second place, you intinsse that I make it for granted, that the Covenant was personal, and non Real or National. But Master Craf-  
ton hath affirmed it is real and Natio-  
nal, Obliging all the Nation, and all after  
Generations, fide Anglorum, thereby en-  
gaged. This, you say, he hath enforced beyond all capacity of Contradiction.

2. Truly, I confess, I did not im-  
agine (however confident I find you to  
the contrary) that such a principle had  
needed

## the Grand Case.

By

needed proof, with such as I proposed to deal with : but I see the *Puritanists* are yet out of Court.

3. Much less, could I divine, that whether the *Covenant* be personal or real, it could any way concern me in my present Design to trouble myself, seeing it was my work, only to prove that the matter of the *Government* was sinful ; and then, whether it be a real or a personal *Covenant*, I think it comes all to one, viz. A *sinful Covenant, and not Obliging*.

4. Besides, upon your second Survey, you will easily discern, that I distinguished single and private persons, from the *Parliament*, and not from the *Nation* ; and considered both Members of my distinction ; as taking the *Covenant*. And did not find my self obliged to say, that *some* were bound by the *Covenant*, and *some* not : but rather, that *none* at all were so far bound by virtue of it, as to endeavour any alteration or change of *Government* : so that your exception here, if it have any weight, it is impertinent and ill placed.

5. But seeing I must be assulted with this *Christian authority*, give the leave to

oppose it, with Authority as valid, I hope, without any disparagement to him, in your own apprehensions: it is that *Reverend Caspist Bishop Sanderson.*

6. Bishop Sanderson asserts, that it is essential to an Oath to be personal; and consequently, that there is no such thing as: *Juramentum reale*, such a Real Oath as you have pretended.

7. *Non tantum (inquit ille vir Magnus)*  
*teneret Heres vi Juramenti defensio praestiti.* Ita ut si non solveris, iustus tantum sit, non item perjurus: cuius ratio est, quia *Juramentum est vinculum personale*, & inducit *Obligationem Spiritualem tantum*, &c. *At in personalibus nemo ligatur sine proprio consensu.* p. 115.

8. Again, he adds, *At non potest quis alteri inducere Obligationem nisi ipsi quoque volverit.* Et proinde non potest *Adiu*  
*suo spiritu sliter nisi seipsum tantum*—  
*Obligatio Juramenti non transis ad successores*, p. 117. It is nothing can be more plain.

9. Therefore, I must have leave to demand, what *Caspist*, *Author of Note*, or *Learned Man* uninterested in the present Controversie hath used or allowed this distinction, besides Master *Croftan*.

Thus

Thus his authority is matcht ; what reasons you hint for it, I proceed to give reason to Answer.

10. You add no reasons in this place, yet because I shall make but one work of it, I shall gather the reasons that serve to this purpose from the other parts of your book where I find them ; they are but two, to the best of my Observation, both received from Master Crofton : and I presume the best he bath, for that you improve no other.

11. The first I find upon Case the 14. by way of Expostulation, thus. Was the law of Saul, the Princes of Israel, against the Gibeonites, to be justified ? Why should they and all other Conventions of them be bound by the Oath of Joshua, and the Princes with him ?

12. The answer is at hand, in the Reverend Bishops words : *Saul, Injustus tantum sit, non item perjurus.* Pauls sin was cruelty and injustice, and not perjury. Not the Oath of Joshua, immediately, but the Law of Righteousness bound Saul to the contrary,

13. If any Obligation lay upon Saul from Joshua's Oath, it was not formaliter, but effectivē only ; not as an Oath,  
F 3 but

but in the effects of it : which was to preserve and maintain Justice and every mans right ; even that right of the Gibeonites which they had obtained, by virtue indeed of their Covenant with *Joshua* long before.

14. Methinks, it may thus be established; a *Parliament* in *England* is not obliged to continue all the *Acts* of precedent *Parliaments*, but hath power to alter them as they think fit ; yet no *Parliament* can void an *Act* of pardon made by any former *Parliament*.

15. The Reason is, not that one *Parliament* hath not power to undo what another hath done abstractly considered ; but because a *Parliament* it self may not be unrighteous and do injustice.

16. But, why is it injustice from a *Parliament* to void an *Act* of pardon ? the Reason seems to be this : An *Act* of pardon hath its effect the first day of its being, and gives actual Right to every one concerned in the mercy granted ; they are actually pardoned, and the offence forgiven and done away. And now, if this pardon should be taken off again, Right is violated and punishment in-

inflicted where there is no Crime.

17. Thus was it in the Case of the Gibeonites; they had received an *All* of pardon long before, a Legal restitution to the privileges they enjoy'd by virtue of the *Oath* of *Joshua*, and the Princes of *Israel*: and the violation of their Rights so long after, with the taking away of their lives, by *Saul*, was Iniquity and cruelty in him, and most justly, though severely, punished by the God of Righteousness.

18. This Answer is plainly gathered from the *Holy Scripture*, whence the Objection it self is framed,

19. The *Famine* ( saith the Lord to *David*) is for *Saul*, and for his bloody house, because he slew the *Gibeonites*, 2 Sam. 21. 11.

20. It is rendred, in several of the Oriental Tongues, *House of bloods*; and so it is in the *Hebrew*: it was not perjury but *blood* fill'd his house, because he slew the *Gibeonites*, and broke the *All* of Pardon, not the *Oath* of *Joshua* formally considered.

21. It is said, that the *children of Israel* had sworn to them, v.a. but not *Saul*; yea the *children of Israel* in opposition

# A Review of

to Saul : the children of Israel had sworn unto them, and Saul sought to slay them in zeal to the children of Israel. Therefore, in the Septuagint, we read ἀδικία ἐπειπολεῖσθαι ἐπὶ Σαοὺ, and upon his house ; Injustitia immortis sanguinum ejus pro eo quod morti tradidit Gibeonitas, for that he delivered the Gibeonites to death : Injustice, it is not said Perjury, but injustice, and blood is laid upon him and his house, and so severely punished.

P. 45.

22. Secondly, the Covenant was sworn (say you, in Mr. Croftons words) by those Real capacities, Noble Men, Knights, Gentlemen, Citizens, Ministers of the Gospel, and Commons of all sorts, which pass and will pass to our Successours, whilste England is England ; and therefore it is Juramentum reale, and obligeth the whole Nation for ever.

23. But it is to be remembred, before we conclude so confidently, that though the Proem runs thus, We Noblemen, Barons, Knights, Gentlemen, Citizens, Burghesses, and Ministers of the Gospel, as well as Commons of all sorts, have so Resolved and Determined ; yet most Noblemen, Barons, Knights, Citizens, Burghesses, Ministers,

sters, and Commons of all sorts, had not thus Resolved and Determined when the Covenant was penn'd or publish'd.

24. For it was brought from Scotland, and by a few men, at first, a little altered in England, and then, by an Order of some of the Commons, printed and published.

25. Now, if this be to make a Real and National Covenant, three or four private persons may as easily write over these great words, and as easily oblige the whole Nation and Posterity for ever; but this is ridiculous.

26. Again, 'tis certain that many individual Persons, from the King, the Nobles, Barons, Knights, Burgesses, Citizens, Ministers, and Commons of all sorts, never took the Covenant, but ever, as occasion was offered, declared their abhorrency of it.

27. Yea, the Popish, the Malignant, and the Prelatical Parties, which certainly were then no mean part of the Nation, if not the greatest, are supposed in the Covenant it self to be enemies to it, and are, indeed, sworn against it. And are these obliged by the same Covenant, and their Posterities after them?

Arc

Are they sworn to oppose and destroy themselves? You will not say it.

28. Again, if those words can create a *Real Covenant* in your sense, not only *Scotland*, who framed it, and *England*, who knew not of it for the most part till it was taken, but *Ireland* too, and its Posterity, are obliged by it; and all the Rebels there are taken into Confederation, and thousands of people there, that never saw it, or perhaps never heard so much as that there was any such thing in the world for divers years after this their pretended Obligation by it.

29. Truly I thought the Covenanting Party would not have entered into so Solemn a League with a *Prelatical, Magistrate* Party, much less with *Papists*, and *Irish Rebels*; yet such is the consequence of your Notion of a *Real Covenant*.

30. Moreover, this Argument is confuted in the very *Process* of the *Covenant* it self, so plainly and evidently, that I must needs wonder that so many quick and perceiving eyes should not have discovered it: Wherein it saith (speaking of the form and manner of giving and taking the *Covenant*) wherein we all

*sub-*

## the Grand Case.

75

subscribe, (therfore, no more do take the Covenant then do subscribe it) and beyond all contradiction adds, [and each one of us for himself] then no one for another, much less for so many thousands as your Real Nation would infer.

31. Therefore the precision of the Covenant durst not trust your Logick, but would have not only Patients, but their Children; not only Masters, but Servantes; not only Tutors, but Pupils, and such as were under the tuition of others, to subscribe for themselves, according to the phrase, *Every one for himself.*

32. But, to conclude, if it be against the very Nature and Essenes of an Oath to be any more then personal, to binde Succession or posterity, or to be National and Real, as you pretend; alas! what can words do more then to make a noise, to trouble mens minds, and to beget trouble in the Church by needless Disputation? But that it is so, I hope our Casuist (whom your selves and all men else admire) hath put it out of doubt, to your full satisfaction.

SECT.

## SECT. 3.

*Of the capacity of all Covenanters.*

1. **T**He third Principle which you intimate I take for granted, is, *That all Persons that took the Covenant are in the same capacity with our selves.* You say, you cannot yield unto it.

2. I have laboured to find out your meaning, and cannot discover any thing, but the exception of the *single person*, that you can stand upon.

3. But if you please to review what I said from pag. 93. to pag. 97. you will see your oversight, and grant that I did not take it for granted.

4. And until you give Answer to the reason there offered, as also in some other places of my Book, I think I am not at all concerned to trouble you further about it, but shall now take up my shield, and appear in defence of my particular Arguments.

## CASE VIII.

*Whether to endeavour to alter the Government of the Church be against the Right of the King.*

CASE.

CASE IX.

*Whether to violate the Kings Right be not  
sinful.*

1. You well observe, that these two Cases contain my first Argument, to prove the matter of the Covenant sinful. My *major Proposition*, you say, is determined in the second of these Cases: This you grant, in Mr. Crofton's words. *The proper and adequate Act of Justice is Jus suum cuique; the Authority, Power, and Liberty of King, Parliament, and People.*

2. The *minor* then contained in the first of these Cases is the thing in Controversie, viz. whether the Covenant engaging against the Government of the Church, or to endeavour to extirpate the same, do not violate the Kings Right.

3. This I affirm; for by such Endeavours the King is injured, first, as he is the *Executor* of the *Law*, and in all Causes and over all Persons Ecclesiastical Supreme Governour, both with respect to his Officers and to his Government; secondly, as *Legislator*.

SECT. I.

## SECTAR.

Of the King's Right as Supreme Executor  
of the Laws.

1. I Do still affirm, That the King is the Supreme Executor of the Law, and all inferior Officers are his Commissioners, to execute that Government under him, in which he is alone the Supreme Governor, as we swear him to be in Church and State; for, *Reges satis sunt iuris capaces spiritualis iurisdictionis.*

2. Now, I say, take away the Body of Government, and the Head must fall; and if all inferiors be removed, where will the Supreme be?

3. For Answer hereto you onely define my clear Answer to two Enquiries. The first of your Queries is in these words:

4. Are Ecclesiastical Officers essential to the Regality of the King?

5. To this I return my clear Answer; No. Yet they are plainly essential to his being a Supreme Governor in all Causes and over all Persons Ecclesiastical.

6. Supreme doth necessarily suppose and respect Inferiors; and Supreme Gov-

ernor

vernour Inferior Governments.

7. Your second Query is this: Are these specifical Commissioners offered to the Kings Regality; that Archbishops, Bishops, &c. taken away, the best way needs fail?

8. To this, I hope I may clearly answer, that the removing of the inferior Governors hath a Natural tendency to the falling of the Head, as such, that is the Head of them, or the Supreme; but hath no natural ordination to the substitution of other kind of Governors.

9. There is nothing in the pulling down of the walls that goeth into the supports of the roof; nothing in pulling down Archbishops and Bishops, &c. that serves to uphold the Supremacy of the King in governing the Church, but to destroy it, as the many years experience hath both sadly demonstrat-

## SECT. 2.

### Of the Kings Right in the Government of the Church.

1. **T**he friend Madison doth use to prove, that endeavour to extirpate Episcopal Government you observe to be this, that that so endeavour is not only

only against the Kings Right as Executor of the Laws, by opposing and seeking to destroy his Commissioners, but his very government it self ; and this is the express sense of the *Covenanters*, that according to the *Covenant* they are bound in the whole course of their lives against that Government which they know is the Kings Ecclesiastical Government.

2. This you grant : only you say the *Covenanters* do not mean such endeavours as I mention : Again, you plead that some others deny the Government of the Church to be the Kings Government, because they find it not established by the *Laws of the Land*, whereof it is his Right to be *Executor*, and this is all you say ; only touching these things here, you refer their discussion to their proper places ; where I intend, God willing, to meet them again.

### TOP 32 SECT. 3.

#### *Of the Kings Right as Legislator.*

1. Again, you note that I argue, to endeavour the alteration of Church Government is against the Kings Right as Legislator, as the makers as well

well as the *Executor of the laws*, as appears by that sense of the Covenant which the practice of the Covenanter hath put upon it.

2. To this you answer, that the terms do so condition it, that it doth not appear to engage us to endeavour the extirpation of Episcopacy without the Kings Consent.

3. Here, I must have leave to remeber you, that though it be true the terms of the Covenant which you specific are soft and mild, viz. through the grace of God, in our places and callings; yet there are other expressions visible in it, that do more then seem to exact such proceedings as were very inconsistent with our places and callings, or the grace of God, viz. to our power, and with our lives and fortunes.

4. What need was there then of our power, or lives and fortunes, to be exposed in such endeavours, but in opposing the King, and his Army? and how could that possibly be done in the present matter of endeavour to extirpate Prelacy; but by Acting therein without the Kings consent, and against his express mind to the contrary.

so that take a true measure of the Covenant by all such terms together, as in fair reasoning we must needs do; and it is too too evident that it puts us on endeavours that have no regard to the King's consent at all.

3. Besides, if the true extent of indeavour covenanted be yet in doubt, you would force me to resolve it by that black Comment of the state of things when the Covenant was pres'd at first: from the occasion of it, which, as the King sadly observ'd, was that fatal confederacy with the Scots, for their invading this Kingdome with Arms. The obvious and declared judgement of the Scots, that created it, touching the place and power of publick conventions and private persons in such matters. The sudden course which the two Houses took to demolish this Government, (and that by virtue of the Covenant,) and to bring in another.

4. These things I say, soberly considered and pondered upon, methinks should rationally, and satisfactorily Evince to such sober persons as I am Treating with, that endeavour in the sense of the Covenant it self, and the prime Government, doth

dish intrech foully upon the King's Person  
and Crown; Notwithstanding those other small, faint, and after endeavours with the King to ratifie what they had laboured with all their power, in a way of Hostility so long together, to do without him, and against his most signal  
*suspecte diffent,* so often reiterated.

7. Which little endeavours to procure his *consene*, I imagine, you would hardly have mentioned, had you had in your mind, that at the same time the King was at least *quasi* a prisoner, and was denied by the same persons that treated him the liberty to repair to the place where, according to the Order of the Kingdom, he useth to add his star to the making of Laws : I mean the Parliament House.

8. Further, I am loth to remember that even then, when the King (at the Isle of Wight) and his two Houses were intent to an accommodation, the force of such endeavours as the *Gentlemen* exerted provoked them no reply to his Majesties papers, that they were unsatisfied as to an agreement with, and reception of his Majesty, because he would only grant them a suspition of

*A Review of*

Episcopal Government for 3. years, and  
not an eternal extirpation of it, for  
which they had ~~contemned~~ vid. Biblio-  
th. Reg. p. 153. et 02. But to return to the  
Covenant it selfe, the close of it doth effectually con-  
clude, that in its prime and native in-  
tention, is least of all regarded the  
Consent of the King; and as to any such  
thing, it was utterly desperate.

10. The words are these: *We shall  
all the dayes of our lives zealously and com-  
stainly continue therein against all oppo-  
sition, and provide the same according to  
our power against all lets and impediments  
to this intent; and when we are not able our  
selves to suppress or overcome, we shall re-  
veal and make known that it may be imme-  
diately prevented or removed.*

Now I beseech you to consider,  
there is a promise to continue in this cause,  
which refers no doubt, to the whole or  
the main matter of the Covenant. Now  
as the Author of the Covenant, plea-  
sibly observes, the main scope of the Covenant  
is against *Charles Government*, to which  
but neither things seem subordinate.  
Therefore, this lame last Article repeats  
the body of this common cause, and be-  
gins

gins it with Religion; that is the Reformation of Doctrine, Worship and Discipline, and the extirpation of Episcopal Government. The words are this common Cause of Religion, Liberty, and peace of the Kingdomes.

12. Now, in this Cause, observe, They swear to continue zealously and constantly all the dayes of their lives; and what is the plain sense of that, the King being known to be then in the fields, and in arms against the Covenanters; I say, what can the plain sense be; but that they would continue therein, though the King himself should forbide. Though the King should deny his Assent, and declare his most express Dislike and threats against it, yet they would persist therein all the dayes of their lives.

13. Yea, though King and Parliament (as is now come to pass) should make Laws against it, they must be zealous and constant in this common Cause; so little regard will the Covenant allow, to this day, to the Kings Consent.

14. Yet heed what follows; against all Opposition, and promote the same against all lets and impediments whatsoever; give me leave to say, though this Opposition,

these lets and impediments be from the King himself, as you know they were at this very same time: This being imposed by the two Houses, and taken by the people; and the King himself in *Arms* to defend his own and the *Churche's* Government.

15. Pray resolve, where *then* was the King Consent, or, if the King please, to be understood in the *Covenant*.

16. Moreover, doth not this Article, which is the close and perfection of the rest, plainly engage to such endeavours as carry opposition too? Be yourselves the judges: the words are, against all opposition; how can you be engaged to Endeavour against all opposition, but by opposition? against all opposition, but by opposing all oppositions? even that which the King himself should make, or rather, indeed, did make.

17. Now, how you can oppose the King, or the opposition made by him and his commission, and yet understand his consent in the same matter I think you will not go about to inform me.

18. Once more, that the endeavours of the *Covenant* carry force and opposition in them, according to the Grammatical

al Construction and Logical resolution of the same, appears in that [Power] is engaged to our Power: and Power in order to the suppressing and overcoming the *opposers*: for it is added, and what we are not able our selves to suppress, &c. by our own power: and on the other hand, we shall assist and Defend all those that enter into this League and Covenant in the maintaining and pursuing thereof.

19. Which expressions (I should abhor to infer it, did not my Argument force it) do beyond all capacity of Contradiction engage the *Covenanters* in a party to live and dy together in an hostile way of Opposition against the King, and his Armies and Friends, in a pursuit of the ends of the *Covenant*.

20. Which cannot consist with the places of Subjects, or lawful endeavours; or Possibly suppose the Kings consent.

21. I cannot rejoice to conclude, that this meaning of the *Covenant* was expressed at first, by the prime inventors and contrivers of the *Covenant*; such words as these you find in a *Declaration*, called the *Declaration of the convention of Estates of the Kingdom of Scotland*.

22. To our knowldg, say they, upon  
swearing and subscribing of this League  
and *Covenant*, the opposite Malignant  
partie will rage and Turmulate more  
then ever: and therefore, unles we will  
either betray our Religion, Liberties and  
Law, and all that we and ours do pos-  
sess, and suffer our selves to be cut off  
and massacred by the bloody and ban-  
barous cruelty of those our enraged en-  
emies; *There is a necessity of taking Arms*  
*for mutual defence.*

23. Lastly, That the *Kings Consent*  
was little intended or understood in the  
*Covenant*, is yet more manifest, if it be  
considered, that it was not only made,  
and published, and pressed, without no-  
tice given him, and at such a time too,  
and condition of affairs, as had served  
the King from the *Covenanting party*, but  
it was still carried on against the *Kings*  
*disslike*, and express *dissent* and prohibi-  
tion of it, in a timely and solemn *Pro-*  
*clamation* against it.

**SEC T. 4.**

SECT. 4.

*Of the King's Proclamation against  
the Covenant.*

1. "He King was pleased, upon the first hearing of the *Covenant*, published in Print by the Order of the *Commons*, (which I believe was sometime before the *Order of the Lords* and *Commons* for the tendering and taking of it;) to issue out his *Proclamation* from his *Court at Oxford*, entitled, *His Majesties Proclamation, forbidding the tendering and taking of the Covenant, called the solemn League and Covenant for Reformation.*

2. The *Use* of this *Proclamation* in the present *controversie*, is two-fold. First, it Demonstrates beyond all contradiction, that the *intention* of the *Covenanters* did not regard the *consent* of the *King*, which runs clearly against the *Kings Supremacy*. Secondly, It renders the *Covenant void*, even from its *creation*, before ever it was *ordered to be taken*. For *Datur irritatio Juramenti aliquando per superiores, si in illa ipsa materia sint superiores circa quam Juramentum versatur.*

3. Now

3. Now so far as the Government of the Church cannot be altered but by Law, it is under the power of the King, at least not to alter it : He having a Negative upon both Houses, and the Kings Proclamations having denied his Assent therunto, and proclaimed his prohibition of it, thereby voided it long ago, according to the Rule.

4. A Rule never disputed, grounded evidently upon Scripture and Natural Reason; and indeed I find not, that your selves do question the Proposition, though I confess you put me to a task that I little expected, by doubting the Assumption.

5. You say, *It remaineth upon you a doubt, whether there ever were any such Proclamation; you desire me to help you to a Copy of this Proclamation, and inform you, where to find the Original: Concluding, that the Obligation, without it, cannot be voided.*

6. I hope you do hereby intimate, that upon the sight of this Proclamation you will be satisfied, that the Obligation of the Covenant was voided at the first; therefore I am much encouraged to transcribe it, and to inform you where you may find it.

7. It

7. It is indeed in Print, in more books than one, of unquestionable credit; particularly, you have it in a Book called, *Bibliotheca Regia in terminis*, thus, p. 332.

8. Whereas there is a Printed paper, entituled, A Solemn League and Covenant for Reformation and defence of Religion, the Honour and happiness of the King, and the Peace and safety of the Kingdoms of England, Scotland, and Ireland: Pretended to be ordered by the Commons in Parliament, on the 21. day of September last, to be Printed and published: which Covenant, though it seems to make specious pretences of Piety and Religion, is in Truth nothing else but a Traitorous and Seditious Combination against us, and the established Religion and Laws of this Kingdome, in pursuance of a Traitorous design and endeavour to bring in Foreign forces to invade this Kingdom: We do therefore straitly charge and command all our loving Subjects, of what degree or quality soever, upon their Allegiance, that they presume not to take the said Seditious and Traitorous Covenant. And we do likewise hereby forbid and inhibit all our Subjects to impose, administer or render the said Covenant, as they and every

every of them will answer the contrary to their utmost and extreameſt perils. Given at our Court at Oxon, Oct, 9. in the 19. year of our Reign.

9. If you will cast the Controversie upon the right of the very *Original*, I do not despair to effect it for you : provided I may know whom I may pleasure with it, and where ; for it is not possible I should print the *Original*.

10. However, I shall offer you such Evidence, that this is a *true copy*; that I verily believe ingenuous persons will receive it as next to *demonstration*.

11. Note first, that the *Covenant* was ordered to be printed by the Commons, *Sep. 21. An. Dom. 1643.* This Proclamation is said to be issued, *Oct. 9. 1643.* and I have a *learned book* by me, called the *Anticonfederacy*, that was printed the very next year, *viz. 1644.* that labours to invalidate the said *Covenant* with the said Proclamation.

12. He does not indeed transcribe the whole Proclamation, as I have done ; yet so much of it, and of the most material paſſages of it, as you cannot chuse but know it to be the same ; and to say, that he ſhould feign ſuch parts of a Pro-

Proclamation, at such a time as that ; or that the King should not be as quick to proclaim against the *Covenant*, as he had been a little before against the *Assembly of Divines*, June 22. 1663. are both unreasonable and ridiculous to any sober man.

13. The words of that book mentioned are these ; *The true scope and aim of this League* (speaking of the *Covenant*) *as it is declared by our most gracious King* (and we cannot receive it from a better hand,) *is in pursuance of a Traiterous design and endeavour to bring in Foreign Forces to invade this Kingdome* ; and is therefore by his Majesty justly sentenced, notwithstanding its specious expressions of Piety and Religion, to be nothing else in Truth, but a *Traiterous and Seditious Combination* against him, and against the established Religion and Laws of this Kingdome, which are the very words of the Proclamation it self.

14. I hope you will now no longer doubt, whether there were indeed any such *Proclamation*, or whether it be of force to void the *Covenant*.

15. You say, you allow that *Rule of Ames, datur irritatio aliquando per superioris :*

proposals; but you will it must be, if in  
this matter first superiores, & then quan-  
tus post? *Intermissione.* Miss this page  
16. But let me recommend it to your  
second thoughts, whether endeavour  
simply considered, or endeavour with  
its object, extirpation of Prelacy, be the  
matter of the Covenant, and whether  
the King in this very matter of extirpa-  
tion of Prelacy, or endeavour to do it,  
be not allowed to be our Superior.

17. Admit, there were a Covenant  
taken by private persons, to endeavor to  
bring in foreign forces; endeavour indeed  
is to every man, *sui iuris*; but that this  
endeavour, and consequently, such a  
Covenant, is not in a matter subordinate  
to the King, I think you will not dis-  
pute.

18. Lastly, you seem to wonder that  
I make it a Problem, whether suppos-  
ing the *Proclamation* had voided the  
Covenant at first, the King's after-con-  
sent could revive it.

19. If you understand my words, with  
respect to the first engagement actually  
made and voided by the *Proclamation*;  
I think you need not much wonder if I  
should have affirmed, whereas I only  
queried

question'd, Whether the same Act, might  
well could be made in force again? I  
am not afraid to write over the words  
once more: I think it may well be a  
Problem, Whether the Kings express consent  
could revive it, if it had indeed been dead  
and buried so many years before I  
do. For the Covenant being voided  
by the Kings protest against it, and the  
Parliament dissolved that promoted it,  
I think you would wonder more at it if  
I should affirm, That the King hath how-  
ever, without a Bill to that purpose from  
the two Houses, by His own single Act  
to revive a matter of so high a nature to  
His Subjects, following time after.

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### CASE X.

*Whether the Covenant to endeavour the  
Extermination of Episcopacy be against  
the Laws, and consequently sinful.*

1. I Proceed to argue, That seeing the  
standing *Laws* of the Land are  
the express and fix'd consent of the King  
and Supreme Authority, and this extir-  
pation of Prelacy cannot be effected but  
by offering violence to the *Laws* of the  
Land, which cannot be lawfully done  
with-

without the Consent and A&t of the King and Supreme Authority; it is sinful to swear to endeavour it, without submission to their will and pleasures. *Q. 2.* This is evident by the former Arguments, by the rules of all Casuists, and particularly of Mr. Perkins, who concludes, *That a Covenant taken against the Laws of the Land is void of its selfe.*

*3.* To apply this Argument to our Case, I observe, The great Objection of Mr. Crofton, the Covenanter's Plea, and you, my Surveyor, is this; That *Episcopal Government is not established by Law in England.*

*4.* This Objection I labour, first, to avoid by a distinction in general; and then I argue the point particularly, *That this Government is established by Law in England.*

*5.* My distinction is this: We may endeavour against the *Laws*, and swear accordingly, two ways; either when the thing we swear against is expressly established by plain *Law*, or when the thing we swear against cannot be abolished without the *abolition* or *alteration* of *Law*. Hence I argue, That admit there were no express *Law* appointing this

this Form of Government sworn against, yet how doth this clear the *Covenanters* from swearing against Law, when they swear to extirpate that Government which cannot be extirpated without the alteration of many Laws. So that this evasion, I think, is perfectly obstructed.

6. All that you answer is levelled against this *distinction*; you ask, *Is it against Law to endeavour the alteration, yet the abrogation of some Laws and things thereby established?*

7. Now I beseech you consider, whether you have any thing at all in these words to enervate or avoid my distinction, or to render it poor as well as plain, as you seem to glory; notwithstanding your confidence, your ingenuity shall judge betwixt us.

8. Consider therefore the end for which I proposed it, and you will confess you have not evaded it; was it not in express terms to obstruct the Objection of Mr. Geoftron, and the Author of the *Covenanters Plea*, viz. That *Episcopal Government is not established by Law*; to which I said, *That it is all about whether it be established by express Law, or never be*

abolished without the alteration of Law: Now to this use of my distinction you have yet answered nothing at all.

9. Besides, in your Querie; Whether it be against Law to endeavour to abrogate Law? Unless you discover a double meaning in acting against Law, you contradict your selves; and if you do discover it, you also discover a plain way for me to escape your Answer, and to defend and justify my plain distinction.

10. Surely to endeavour the abolition or destruction of Law, is to endeavour against Law. Now if you affirm, That it is not against Law thus to endeavour, what remains, but that this term [against Law] in one Proposition hath not the same sense with [against Law] in the other; and there are four terms in the Argument, and nothing concluded, as yet, against my plain distinction.

11. Give me leave to be plain, and the sum is this; It is not against Law, that is, it is not unlawful to endeavour against Law; therefore, to endeavour against Law is not to endeavour against Law; and then my distinction of endeavouring against that which is established by

by Law, or against that which cannot be abolished without the alteration or abolition of Law, is a poor distinction. But you call me off to prove, That such an endeavour to extirpate Church-Government as was Covenant-ed, was against the *Law*, both antecedent to the *Covenant*, and subsequent; this done, you say, would much avail; but you expect my evidence!

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**CASE X I.**

*Whether the present Church-Government was established by Law before the Covenant was taken?*

The sum of what I said upon the Resolution of this Case is reducible to three heads.

**SECT. I.**

*Church-Government is fixed by Law.*

1. First, there is no need that we prove the Government to be established by *Law* in such a manner as the *Covenanters* seek for, while we find it beyond all controversy, that this Form is legal, and established in the *Laws*, though no express Statute should be found ap-

H 2 pointing

pointing it; and it has so much allowed, so far fixed and established by the Laws, that he that shall any way engage against it doth so far engage against *h<sub>is</sub> own Law*. *into or unawares we doo say*

2. Now until this be questioned, to what end do we trouble our selves any further? All that is more then this is *abundant*, and hath no necessary place left in the *Argument*.

3. Yet of this, whereon the very hinge of the Controversie turns, you have spared the pains to take any notice at all.

### S E C T . 2 .

*The Original of Prelacy is not to be sought in Law.*

1. In the second place I intimated, that it seems to me unreasonable to expect such proof, That the Government of the Church should be established by Law in such a manner as you seek for, *That it should have its Original Establishment in Law.*

2. For before, and at the first making of Christian Laws in this Kingdom, this *Government* was found existing; and to have first destroyed this *Government*, and then again to have established the same

by

by law, would have been plainly ridiculous; which yet must have been done, in order to such an establishment as you require proof of.

3. It is acknowledged by Mr. Fox, that in Elizberius his time *Anno Domini 1580.* when this Realm was first converted to Christianity, there were appointed in the same three Archbishops and twenty eight Bishops; and since that time the Government of the Church by Archbishops, Bishops, &c. hath been further established by *Magna Charta*, which hath been confirmed above 30 times by Parliament; and by the Statute called *Confirmation Charters*, still in force, it was ordained, that all Laws contrary to that Charter should be void; and that Bishops, twice every year, should communicate all that did, either do or advise contrary to it.

4. The Government of the Church was at first founded in Britany; therefore so far as we are a Christian Nation, and governed by Christian Laws, Episcopal Government goes into our foundation.

5. I mean only it is so of the foundation, as to be from and in the beginning of Church Government and Christian

Laws among us! I do not say, so of the foundation as to be ~~unalterable~~, yet others do; however, it is not yet ~~actually~~ altered, and that is as much as the Argument requires, and to warrant that expression which I thought ~~argumentative~~, though you pass it by ~~unnoted~~, viz. that there is the less reason to expect that the Power, Office, or Government of Bishops should have their origin from the Laws of the Land, or that *she Child should beget the Father*.

## SECT. 3.

*Church-Government is established by Law.*

1. Hardly, I laboured to prove, that so far as a Government, that was *pre-existing* before the Laws concerning it, could be reasonably expected to be *established by Law*, the present Church-Government is *established by Law*; For,

2. First, the Laws of this Land, since they were *Christian*, have ever allowed it and taken it for granted (as having its foundation sufficiently laid before) upon all occasions; not only by those *special Laws* that particularly relate unto it, but indeed in *every Law* which

which expresseth the Consent of the  
Lords Spiritual.

3. Here you only catch at the weakest part about the Consent of the Lords Spiritual to the Acts of Parliament, leaving the strength of the Argument grounded in those many *special* Laws which relate to *this Government*, and apparently *allow* and *constitute* it, without any exception or observation.

4. Yet I am not at all satisfied that the allowance and recording of their Consent to every Law, by the King, Peers, and Commons, is not a plain acknowledgement of *Episcopal Power and Government*.

5. Secondly, I affirm, That the *present Government* is established by *Law*, though not in its *Office* which was before the *Law*, yet in its *Political Power*, and the *Exercise* of it, in *this Kingdom*.

6. Therefore the several *Legal Names* of *Prelatical Governors*, with their distinct *Jurisdictions*, and the *Crimes* punishable by them, and the *Authority* allowed so to punish, and the *Fees* of their *Courts*, and the *Form* and *Manner* of Consecrating *Bishops* are found and founded in the *Laws* of the *Land*.

7. In your Recital of this Argument you only mention the *Exercise* of this Government, and take no notice of its *Political Power* given by Law; and therefore your Anſwer is ſhort.

8. But that this *Political Power* of Ecclesiastical Gouernours is ſetled and authorized by the Laws of the Land is moft evident in that of the 24 Hen. 8. c. 12, & Eliz. A. 1. 3.

9. By 24 Hen. 8. c. 12. *Jurisdiction* touching *Matrimony*, *Wills*, *Tithes*, *Oblations*, &c. is expreſſly given them; and it is added, that all ſuch Spiritual Caſes ſhall be from henceforth *heard*, *examined*, *discuss'd*, and clearely, finally and definitively *adjudged* and determined within the *Kings Jurisdiction* and Authority, and not elsewhere, in ſuch Courts *Spiritual* and *Temporal* of the ſame as the natures of the Caſes ſhall require.

10. Note, That if the *Temporal* Courts have any *Authority* given them by this Statute, ſo also have the *Spiritual*; they are joyned together; ſuch Courts *Spiritual* and *Temporal*.

11. The point of *Appeals* is alſo eſtabliſhed by the ſaid Statute; and *Bishops* are

are expressly authorized to receive Appeals from Arch-Deacons Courts; and the Arch-Bishops from the Bishops, with Authority hereby given them, or established in them, to put a final end to all such Controversies: You may reade tho Statute at large.

12. Yet, I conceive, that of Eliis. i.  
c.2. is more precise to our purpose,  
Where it is Ordained and Enacted, that  
all and singular Archbishops and Bi-  
shops, and every of their Chancellours,  
Commissaries, Archdeacons, and other  
Ordinaries, having any peculiar Ec-  
clesiastical Jurisdiction, shall have full  
Power and Authority by Virtue of this  
Act, as well to inquire in their Visitati-  
ons, Synods and elsewhere, to take Ac-  
cussions and Informations of all and eve-  
ry the things above mentioned within  
the Limits of their Jurisdiction; and to  
punish the same by Admonition, Excom-  
munication, Sequestration, or Deprivation,  
and other Censures and Process, in like  
Form as heretofore hath been used in  
like Cases by the Queens Ecclesiastical  
Laws.

13. Here, we cannot but see, not only the legal Names of Ecclesiastical Go-  
ver-

Governours, mentioned; but their political Power and Authority allowed, yea, formally invested and establish'd in them to inquire, and to punish. To *punish* with Admonition, Excommunication, Sequestration and Deprivation, and all this by *Virtue* of this *Act*.

14. Had we nothing more to prove Episcopal Government to be established by law, but this very Statute, I cannot apprehend but that the work is done, and all Objections to the contrary for ever superseded.

15. Is here only a liberty to exercise a power given *them*? is it not express'd, that *Power* and *Authority* is also given *them*? It is not declared, that they have *Power* and *Authority* by *Virtue* of *their* *Office*, or any other way; but it is enacted that they have Power and Authority to inquire and punish, &c. by *Virtue* of *this* *very Act*.

16. Yea, though it is intimated, that the *same* Course had been used formerly; it is not enacted only, that this shall continue; but as if such a kind of *Objection* had been in prospect; it is enacted, that by *Virtue* of *this Statute* all these Ecclesiastical, Governmental, shall have full Power

Power and Authority to proceed in like  
Forms or heretofore hath been used in like  
causes by the Queens Ecclesiastical laws.

17. While I read the Statute so ex-  
prefis and punctual in the Case, I know  
you will not blame me, if I wonder at  
your so frequent comparing the Government  
of the Church with Usury, and  
her Governors with Usurers.

18 I do not know of any Statute that  
gives so much countenance to Usury and  
Usurers, as to say, he is enabled that power  
and Authority be given to Usurers, or  
that makes them a politick body, and  
invests them with Government over so  
much as their own Tribe, and in Cases  
peculiar to their own way, abuses and  
faults of Usury : Do not reflect so un-  
seemingly.

19. Thirdly, I affirm, that should we  
yield unto you that there is no express  
Statute immediately Authorizing Ecclesi-  
astical Governors ; yet immediately it  
cannot be denied, to be established by  
Law ; I mean such Law as impowers the  
King to Commission and Authorize the  
Governors in the Church.

20. That the King hath such a power  
in him is manifest from the Oath of Su-  
pri-

primacy. For being supreme Governor in all causes Ecclesiastical, he is so over all persons Ecclesiastical, as to Commissionate all his inferior Governors; therefore, they all, either mediately or immediately, receive their Commissions from him; which is, no doubt, Legal, in the Judgement of all that understand these Protestant Laws, that revolve the power usurped by the Pope, upon Henry the Eighth, and all his successors, in the Crown of England for ever. v. 26. Hen. 8. c. 1. & Eliz. 1. where you reade thus;

21. All Jurisdictions heretofore lawfully exercised by any Ecclesiastical powerfull Authority for Visitation, Reformation, &c. are annexed and annexed to the imperial Crown of this Realm: and that your Highness, your Heirs and Successors, shall have full power and Authority, by virtue of this Act, by Letters Patents under the great Seal of England to Assign, Name, and Authorize persons to exercise all manner of Jurisdictions, and to Visit, Reform, Redress, &c.

22. Your Answer is, this at most concludes but for the Governors, and not for the Frame of Government.

23. But

23. But do you not thereby grant as much as my Argument needs? For if the *Governours* of the *Church* are Authorized by Law; you owe them Obedience, and the Law in them; and your *Governour* provokes you to disobedience.

24. Again, How can all the *Governours* be Authorized by Law, and not the Frame of Government too? He that by Law Commissionates all the *Governours*, doth he not thereby establish the Frame of Government?

25. Yea, where will you look for the Frame of Government, but in the Seat of *Governours*, and that according to the *Governour* it self? You there engage against *Prelacy*; that is the Government of the *Church* by *Arch-Bishops*. &c. *Viz.* the several *Governours* of it.

26. You add the *Kings Supremacy* may exist in, and operate by other *Church* *Governours*, as well as these.

27. I answer easily, that admit what you say, yet as no other sort of *Governours* can be. Legally so, until the King Commissionate them as he hath done these; so this kind, *viz.* *Episcopal Government*, must of necessity continue to be

be Legal, until the King shall Commission others of another Method; or at least withdraw his Commission from these in the present form of Church-Government; if he hath power to do it by Law.

28. Lastly, I urge you, that this Government is plainly established by *Common Law*.

29. To this you say, that *Prescription is a poor Fence to Usurpation*; history hath prescription.

30. But how doth it appear that the present Government is an Usurpation so weighty a charge deserves proof.

31. *Church Governors*, are the Kings Ecclesiastical Officers; they have their power and authority to Govern, given them by *Act of Parliament*: this appears, but that their Government is Usurpation, appears not.

32. To make good your charge, two things require proof. First, that *Episcopal Government* was an Usurpation at first. Secondly, that it is so still; and that it hath not obtained a good Title in law, all this while.

The Statutes now mentioned prove the present Title of it. And *Magna Charta*

*Charis* is a sufficient Evidence, that so long ago it had Legal Authority, and was no Usurpation.

33. I rather mention *Magna Charta* here, because, it is accounted *Common Law*, and adds much strength to my Argument thence, and from long continuance: Especially, seeing there is much for the *Church and Bishops*, but nothing for *Usurers and Usury* to be found in it.

34. The *Plea*, that *Magna Charta* is in behalf of the *Abbots* at well as *Bishops* hath nothing at all against us.

For *Abbots* were since abolished by law, so were not *Bishops*. We are not arguing that *nothing* confirmed by *Magna Charta* can be lawfully altered: but that Episcopal Government confirmed by *Magna Charta* is established by that Law, and not removed by any other.

35. Yea, this *Objection* answers it self, and all the rest of its Company; and yields us an Argument that might pass for an *Inferior omnium*.

*Abbots and Bishops* were both confirmed by the Law of this Land: *Abbots* are removed by Law, and not *Bishops*; and in the Law, *exceptio firmat Regulam* is non exceptio, and therefore the Law that removed

removed the Abbots, did establish the Bishops: and thus Episcopacy is established by Law.

36. But are there not State-Officers that had not their original in the Statute Laws, but only in the Common-Law of this Land, (as hundred-Constitables and Crownets, &c.) will any say, that these are not established by law? These were before the known written Statute Laws, and so were Bishops in England before any Christian Laws.

37. Indeed, methinks, the very Confessions of your selves, Mr. Crofton, yea and of the two Houses of the Long Parliament, is as much as my Argument and the Government of the Church can stand in need of.

P. 28. 19.  
38. You grant in one place of your Book, your selves, that the Government of the Church by Prelacy, is not only limited, restrained, regulated, but directed; yea, in some things authorized by the King's Laws. I think you will hardly say Usury is so; or that any thing Authorized by law can be destroyed, but by law: And that sufficeth my Argument.

39. Again, methinks, Mr. Crofton decides

cides the Controversie against *bisfacy* in his *British Anti-Baill.* p. 24. There he chargeth the late Bishop of Examy because he pleaded for the *3rd Division of Episcopacy*, that he did confront King and Parliament in what all their Statutes declare to be their own creature and constitution even from the Statutes of Carlile, and the 25. of Ed. 3. declaring against the Pope, that *Holy Church was founded in Prelacy by their own Donation, Power and Authority.*

40. Now, I conceive, this was never said of Usury, or indeed, of any thing, not established by Law. For how is this *Donation, Power and Authority*, put forth in framing this *Creature and Constitution of Parliament*, but in *Acts of Parliament*, that is, the *laws of the land*.

41. If there be any doubt, what judgment the two Houses that imposed the Covenant, had touching the Legality of the Government of the Church of England, we are satisfied of that, by their Applications to his Majesty for the extirpation of it, at the *Ile of Wight*.

42. Their words are these: for the *Abolishing of Episcopacy* we take leave to say, that it is not the *Apostolical Bishop*,

I which

which the Bill defined of your Majesty, in  
widest Prempre; but that Episcopacy for-  
merly was established by Law in this  
Kingdom: Again, onely to put down bis-  
by Law who may set up by Law.

43. Note first, that the Long Parlia-  
ment did not doubt, but that Episcopacy  
was establish'd by Law. Secondly, that  
the impoſer of the Covenant did extend  
the ſenſe of the Covenant againſt that  
which was establish'd by Law. Thirdly,  
that yet in their own Judgment, that  
which is ſet up by Law is not to be puld  
~~down without Law~~. These things they  
ſaw at laſt, though their many years  
predeceſſor before had contradicted them,  
vid. Biblioth. Regi. p. 350.

### CASE XI.

*Whether the Covenant can oblige againſt  
a Future Law.*

Y<sup>O</sup>U deny that Episcopal Govern-  
ment hath received any more  
express Establishment by the A<sup>s</sup>s of  
Parliament ſince the Kings Return, than  
it had before; but I cannot find, that  
you ſay, it hath received no Establishment  
thereby, onely that its establishment  
is not more express in the new  
laws,

laws; then it was in the Old; but that I need not dispute.

2. The Establishment of Episcopacy was express enough in my judgment before; and if the new laws be found to establish it at all, my Argument is not interrupted.

3. And truly, methinks, after 20 years shaking, and almost Rattling, we may fairly count the laws, that restore this Government upon its legs again, and not only to its quiet and safety, but to its liberty and power of exercise, should deserve the name of Establishing laws; and the Government be thought to be Established by them, though it stand upon an elder Bottom, which I never denied.

4. Besides, for a law so far to encourage and Countenance of Government that was troden under foot so long together, as to punish all kind of disobedience to it, is plainly to re-establish the same.

5. I might add, we see the King, according to law and his own Supremacy, hath fill'd the Church again with all the several sorts of Ecclesiastical Officers, and hath set again the whole Frame of Government in the very terms of the Co-

right over us : and thus the Government is Established by law, diametrically against the Covenant: and then surely the Engagement of the Covenant is as opposite to the law as it is to Episcopacy.

6. Consequently, whether the *Act of Uniformity* doth precisely prohibit Endeavours against this Government, or not, (upon which Argument I cannot but acknowledge you are very ingenious.) Other laws require obedience to it, that were indeed made of old, but are now renewed and reinforced by these new laws.

7. Therefore, the Covenant cannot oblige us against this Government, but it doth equally oblige us against these new laws: which to do, I have at large proved to be sinful, and you have said nothing at all to disparage my Arguments.

8. You intimate, your labour is saved in that point; and you need not discuss how far an Oath may bind against law. But truly, to me this seems to be your proper work; and that you have questioned the wrong Proposition all this while. I cannot satisfie my self, that what ever you pretend, that you doubt the legality of Episcopal Government.

9. The Exceptions of the Antagonists you

you methion are answered before : and I have no more to d动人 this Case, but to note one Expression . of your own in the close of it,

10. You seem to fear *Atheism*, in that which only serves to *Vindicate* God against our selves. His Authority in his Sovereign pre-obligations upon us, against and after-Obligations contracted by our selves, though by way of *Oath* and Covenant to the contrary.

11. I cannot but believe that Gods preobligation upon us, to obey Authority in *lawful* things, is so firm and indissoluble, that no Covenant of ours to the contrary can make those things *unlawful*, or warrant *disobedience* therein.

12. This I assert, though our Covenant precede the *laws*, requiring such *lawful* things, which needs must pass with abundant Evidence; If these after-*laws*, as you affirm, do only revive and reinforce those *Ancient laws*, that had obliged us to the same things before we Covenanted to the contrary.

13. Now this methinks, should have more *Piety* to God shining in it, upon the eyes of such as read and consider, then to be capable of the suspicion of *A-*

*Abelism, or Irreligion, though I charge  
not the contrary with what you fear,  
Treason or Sedition.*

14. There is nothing said by you on  
the thirteenth and fourteenth Cases that  
doth not either *confess* with me, or is  
not answered already. I pass to the fif-  
teenth Case.

### CASE XV.

*Touching the word [Endeavour] and the  
sense and force of it in the Covenant  
and in the Act.*

1. Touching the word [Endeavour]  
I conceive you ought to have  
~~swear~~ more; for though you find much  
fault with my *endeavours* about it, yet I  
can find very little *correction* or amend-  
ment.

2. I cannot think it my task to deal  
with you as *Censors*, but as *Disputants*;  
or to answer your *passion*, but your *re-  
ason*; now the sum of what you say ~~narr-~~  
~~in~~ally hereupon is shortly this, That [*en-  
deavour*] is general and *indefinitus* both in  
the *Act*, and in the *Covenants*; and that  
*endeavour* is *sui juris* to the *meanest Sub-  
ject*.

3. And this you repeat only as the  
sense

sence of the *Covenanters*, without any Answer to the Argumentative part of my Discourse, which I cannot but mind you was *your* proper concern.

Indeed you chide me with some heat, that I had not given you any *Explanatory, exception, or interpretation* of the word [endeavour]; but if you measure the success of your own attempt therewith, you will easily excuse my omission of it.

For what degree of damage has accrued to your selves, your Cause, or your Leader, by your Latin, Greek, and Hebrew rendition of the word *endeavour*? yea, your selves had just before intimated, that the English word [endeavour] is a word easie and plain to be understood; neither have you better explained it by its Latin, Greek or Hebrew, or by any *Explanatory or Accurative* at all more than I had done.

6. I confess you say something also to the *Interpretation* of it; and so, I think; I did, beyond what you take notice of in your *Sermon*; which provokes me to trouble you with a Reply.

As farre as I said to you was neare  
the truth, and I could say no more  
but I left you with a **SECT.** in  
this

THE MOUTH S E C T. I.  
Endeavour is distinguished.

1. You note (I say not with a black  
character) that I assign some spe-  
cial *Act* by which endeavour may ope-  
rate; but to assert, that endeavour may  
be either *private* or *publick*: and these  
less or more publick; and to add expli-  
cations and instances of all these (as you  
know I did) is doubtless more then only  
to pitch on some *special act* of endeavour  
for thus you have the *kinds* and the *mo-  
dification*, as well as the *acts* or *oper-  
ation* of it.

L. 2. Moreover, you know I gave you  
the application of them also: I say, first,  
That though in a general and sinifical  
ſence our *private Prayers* to God may  
chance to called *endeavours*, yet they  
are not so, either *properly*, or in any  
usual way of speaking, by the *Covenancers*  
themselves, nor to be presumed to be  
ſtruck at, in the *Act*, by the Magistrate,  
who *Governs Kingdoms* and not *Gloſſes*.

3. Again, I offer, That it is hard to  
assign any other kind of *endeavour* (if  
*private Prayer* be any) for the extirpation  
of *Governement* that is pure and ſimple,  
and

and without all tincture of Sedition and Danger to the publick ; or if there should be any such found, I humbly conceived the Civil Magistrate cannot be Rationally thought to intend them in the *Act*, there being no danger in them, and the Nature of them not properly under his Cognisance.

4. Now, my Brethren, judge whether it had not been fair for you, upon this notable nick of Controversie, to have entered into a clear Debate of these things ? did it not become you, either to shew the Defect of my Enumeration, or at least, to evince that *somes* of the *ways* of endeavouring by me pretended to be unlawful, to be good, just and lawful, and in our own power ? and then to have convinc'd us, that some of those lawful endeavours are such as are plainly intended by the *Act* of Parliament ? this, I presume, was your work.

5. Indeed, skipping over what is nearest, you say, you will go to the utmost : and here you demand, is it not possible for those very *Acts*, which bear in my eyes the worst Aspect, to become lawful endeavours ?

6. But, my Brethren, is there no difference

former betwixt what is so, and what may become so; that which is possible only, is not so much as future much less present. It is certain, *What may be* therefore is not; and when it is affirmed, that such a thing may become *lawful*, it is thereby granted, that that thing is now not *lawful*.

To affirm therefore that such Endeavours may become lawful, is to condemn them as unlawful at present: and consequently, that we cannot be bound unto them by the Covenants. Now observe it, you are not required to declare that there never may, but for the present, there now neither be in the present times there *is* *no Obligation* upon us thereto.

## SECT. 2.

*Of the Acts of Endeavour justified by my Brethren.*

Given me leave also to come to the **G**athering with you, my Brethren; and to ask you, what those endeavours or acts of endeavour are that you insist on; I mean, that not only may become lawful, but are so, as a *present Bar* against your Subscription.

2. You

... You seem to grant, that for a Minister to preach, a Lawyer to plead, and the Soldier to fight against Papist party, were at present unlawful; for then, you say, they become lawfull. If you indeed think there are *any* such as are *form'd* no. Hold, in all points justifiable and lawfull, it is much you mislead them not; without this you have done nothing: *In generalibus* let's *delope* and the world *Endeavour* in but a *big*-hearted:

3. Is it not safe to mention them? however, it is *duty* and *necessity*; but surely that cannot be the reason, seeing you begin with so much confidence in the English *Genius*, and have found no other ways to *insinuate* things *more oblique*.

4. Therefore, though in this *most* fit and proper place you do it not, yet in another you make my *Antagonist* to serve *tho' turn*. In p. 28. I find these words: *The Commons* (say you) will tell me, there are *Acta* of *Indemnity* and *Excusation* other than what I mention, such as *Theological* disputation, *submit* supplication, popular groans, or common plaints of grievances by and *with* it, which are *consistent* with *submission* *while* *existent*. I will leave *you* to *turn* *over* *your* *heads*.

5. My

5. My Brethren, I must needs acknowledge, I took great Content and satisfaction to my self from these words; not doubting but you knew how to express our Covenanted Brethrens minds, in the point, and that you do it truly.

6. Their Judgment soberly, it seems is this; They hold themselves bound by the Covenant to Endeavour to extirpate Episcopall Government, by no means that are inconsistent with submission to it, whiles existent.

7. This I look upon as a very great Concession from the rigour of former Principles and Practices; and a fair step to a good agreement betwixt us which the Good Lord prosper.

8. For, hereby, you seem to grant 3. things of no small concern in the Controversie.

1. That they can submit unto Episcopall Government, notwithstanding the Covenant: That is, I presume, they can *Abide under it* in several places, and obey it in things lawful: otherwise, they do not submit unto it, as a Government.

2. Therefore, they grant, that Episcopall Government is not an unlawful Government, or sinful of it self, or by the

*Word*

Word of God; otherwise, I believe you would not so far own it, as to obey it, or submit unto it.

3. That if they can find out no such Endeavours against this Government, intended by the Act, as are consistent with submission to it while existing, and liable to no other just exception, we are agreed. For then you may declare there lies no Obligation to such Endeavours as lies not, *de non ente non est Obligatio.* [not even]

9. Now, we are so near; suffer me to reach you with a word or two of serious advice, that you would bestow a few thoughts upon the following inquiries:

1. Whether, if the Government of the Church be not sinful, by the Word of God, it be not necessary to it, by the laws of the land, the Oath of Supremacy, and secundario, by the Laws of God?

2. Hereupon, it is further worthy our inquiry, what Endeavours to extirpate this Government thus necessary are sui Juris to every Subject? I do not say to Reform, but to extirpate it.

3. Thirdly, Admitting the Moderate sense of some Covenanters, that the Covenant doth not intend an Extirpation, but a Regulation of this Government; Whether

whether the Declaration be not reconcilable with the Obligation hereunto; seeing there we declare that we are not obliged to change or alter, nor to reform this Government: finding it unavoidable.

Lastly, take the sense of the Object how you please, it may be queried, whether you have not done your endeavour, after so long and strenuous Endeavours against it almost 20 years before, and several years since the happy Restauration; we find the King, the Peers and People of England in Parliament, have sufficiently declared, that it shall not be extirpated?

So that, to reason there now appears no further hope of effecting our desired ends; and consequently the Obligation thereto ceaseth, by the Rule, *Nemo Tenetur ad impossibilem.*

Pardon this digression so faintly occasioned; and I now hasten to examine those several *Acts* of Endeavour, which you have, in the Name of the Covenanters, proposed and Judged to be lawfull. Theological disputation; submiss supplication; popular groans, and complaints of grievances by and under you, of them in Order.

SECT. 3.

SECT. 3.  
Of Endeavour by popular grants  
and complaints.

1. In order to a true Judgement of the Lawfulness of these acts of Endeavour, let us take a glasse of the object of them as you have proposed it; you do not say the Government is self, but grievance by and under it.

2. First, then, for grievances under it, they may be redressed, without the utter Extirpation of the Government itself.

3. Again, we are not required to declare that we are warranted to endeavour to remove them; it is a change of Government, in the Act of Extirpation, you say in the Cessation, and not a Reformation, or Redress of grievances only.

4. Secondly, for grievance by it, I Ask, whether you intend such grievances as flow from the Nature, or such only, as happen upon the abuse or Mal-administration of this Government: if you say, such as flow from the Nature of it, then you must prove Episcopal Government to be evil in Se, which I think you will not undertake; but if such as flow from abuse only, you are not held

bold from Endeavouring against them.

5. If you yet doubt, whether you may not Endeavor against the Government it self, let us proceed to Examine particularly the *Acts* of Endeavour specified by you? *Disputation*, *Supplication*, *groans*, or *complaints*.

6. For the last sort, *groans*, and *complaints*, I cannot understand, how these can be provoked; but where there is burden and grievance to be groaned under, or complained of.

7. That the Government it self is so, you do not say, much less evince: if it be found so, by Male-administration, Complain for me, and spare not; so you do it regularly, and not tumultuously.

8. Yet, I must needs observe, that *groans* and *complaints* under a Government must carry *sedition*. In the manner of them, or else they cannot, properly, or without very much straining, be called *acts* of *Endeavor* for the extirpation of it.

#### S E C T. 4.

##### *Of Endeavour by disquisitions.*

1. A Second sort of *Acts* of *Endeavor*, specified by you, are *Theological Disquisitions*; but these, Neither,

thick, are Endowing Proprietary and directly called, or to the like intended, <sup>100</sup> &c. For in such Testimonials who knows not, but as Opposites, we may dispute for Property or any other Right by such means, and have believed in the Truth of such Right, and deemed to be  
true in it, and now believe, <sup>105</sup> &c. of 1750

3. Neither are such Testimonials any  
Matters towards the Entry into the Republic  
copacy, with the persons that have power  
to do it, <sup>110</sup> & <sup>115</sup> ~~for~~ <sup>120</sup> <sup>125</sup> <sup>130</sup> <sup>135</sup> <sup>140</sup> <sup>145</sup> <sup>150</sup> <sup>155</sup> <sup>160</sup> <sup>165</sup> <sup>170</sup> <sup>175</sup> <sup>180</sup> <sup>185</sup> <sup>190</sup> <sup>195</sup> <sup>200</sup> <sup>205</sup> <sup>210</sup> <sup>215</sup> <sup>220</sup> <sup>225</sup> <sup>230</sup> <sup>235</sup> <sup>240</sup> <sup>245</sup> <sup>250</sup> <sup>255</sup> <sup>260</sup> <sup>265</sup> <sup>270</sup> <sup>275</sup> <sup>280</sup> <sup>285</sup> <sup>290</sup> <sup>295</sup> <sup>300</sup> <sup>305</sup> <sup>310</sup> <sup>315</sup> <sup>320</sup> <sup>325</sup> <sup>330</sup> <sup>335</sup> <sup>340</sup> <sup>345</sup> <sup>350</sup> <sup>355</sup> <sup>360</sup> <sup>365</sup> <sup>370</sup> <sup>375</sup> <sup>380</sup> <sup>385</sup> <sup>390</sup> <sup>395</sup> <sup>400</sup> <sup>405</sup> <sup>410</sup> <sup>415</sup> <sup>420</sup> <sup>425</sup> <sup>430</sup> <sup>435</sup> <sup>440</sup> <sup>445</sup> <sup>450</sup> <sup>455</sup> <sup>460</sup> <sup>465</sup> <sup>470</sup> <sup>475</sup> <sup>480</sup> <sup>485</sup> <sup>490</sup> <sup>495</sup> <sup>500</sup> <sup>505</sup> <sup>510</sup> <sup>515</sup> <sup>520</sup> <sup>525</sup> <sup>530</sup> <sup>535</sup> <sup>540</sup> <sup>545</sup> <sup>550</sup> <sup>555</sup> <sup>560</sup> <sup>565</sup> <sup>570</sup> <sup>575</sup> <sup>580</sup> <sup>585</sup> <sup>590</sup> <sup>595</sup> <sup>600</sup> <sup>605</sup> <sup>610</sup> <sup>615</sup> <sup>620</sup> <sup>625</sup> <sup>630</sup> <sup>635</sup> <sup>640</sup> <sup>645</sup> <sup>650</sup> <sup>655</sup> <sup>660</sup> <sup>665</sup> <sup>670</sup> <sup>675</sup> <sup>680</sup> <sup>685</sup> <sup>690</sup> <sup>695</sup> <sup>700</sup> <sup>705</sup> <sup>710</sup> <sup>715</sup> <sup>720</sup> <sup>725</sup> <sup>730</sup> <sup>735</sup> <sup>740</sup> <sup>745</sup> <sup>750</sup> <sup>755</sup> <sup>760</sup> <sup>765</sup> <sup>770</sup> <sup>775</sup> <sup>780</sup> <sup>785</sup> <sup>790</sup> <sup>795</sup> <sup>800</sup> <sup>805</sup> <sup>810</sup> <sup>815</sup> <sup>820</sup> <sup>825</sup> <sup>830</sup> <sup>835</sup> <sup>840</sup> <sup>845</sup> <sup>850</sup> <sup>855</sup> <sup>860</sup> <sup>865</sup> <sup>870</sup> <sup>875</sup> <sup>880</sup> <sup>885</sup> <sup>890</sup> <sup>895</sup> <sup>900</sup> <sup>905</sup> <sup>910</sup> <sup>915</sup> <sup>920</sup> <sup>925</sup> <sup>930</sup> <sup>935</sup> <sup>940</sup> <sup>945</sup> <sup>950</sup> <sup>955</sup> <sup>960</sup> <sup>965</sup> <sup>970</sup> <sup>975</sup> <sup>980</sup> <sup>985</sup> <sup>990</sup> <sup>995</sup> <sup>1000</sup> <sup>1005</sup> <sup>1010</sup> <sup>1015</sup> <sup>1020</sup> <sup>1025</sup> <sup>1030</sup> <sup>1035</sup> <sup>1040</sup> <sup>1045</sup> <sup>1050</sup> <sup>1055</sup> <sup>1060</sup> <sup>1065</sup> <sup>1070</sup> <sup>1075</sup> <sup>1080</sup> <sup>1085</sup> <sup>1090</sup> <sup>1095</sup> <sup>1100</sup> <sup>1105</sup> <sup>1110</sup> <sup>1115</sup> <sup>1120</sup> <sup>1125</sup> <sup>1130</sup> <sup>1135</sup> <sup>1140</sup> <sup>1145</sup> <sup>1150</sup> <sup>1155</sup> <sup>1160</sup> <sup>1165</sup> <sup>1170</sup> <sup>1175</sup> <sup>1180</sup> <sup>1185</sup> <sup>1190</sup> <sup>1195</sup> <sup>1200</sup> <sup>1205</sup> <sup>1210</sup> <sup>1215</sup> <sup>1220</sup> <sup>1225</sup> <sup>1230</sup> <sup>1235</sup> <sup>1240</sup> <sup>1245</sup> <sup>1250</sup> <sup>1255</sup> <sup>1260</sup> <sup>1265</sup> <sup>1270</sup> <sup>1275</sup> <sup>1280</sup> <sup>1285</sup> <sup>1290</sup> <sup>1295</sup> <sup>1300</sup> <sup>1305</sup> <sup>1310</sup> <sup>1315</sup> <sup>1320</sup> <sup>1325</sup> <sup>1330</sup> <sup>1335</sup> <sup>1340</sup> <sup>1345</sup> <sup>1350</sup> <sup>1355</sup> <sup>1360</sup> <sup>1365</sup> <sup>1370</sup> <sup>1375</sup> <sup>1380</sup> <sup>1385</sup> <sup>1390</sup> <sup>1395</sup> <sup>1400</sup> <sup>1405</sup> <sup>1410</sup> <sup>1415</sup> <sup>1420</sup> <sup>1425</sup> <sup>1430</sup> <sup>1435</sup> <sup>1440</sup> <sup>1445</sup> <sup>1450</sup> <sup>1455</sup> <sup>1460</sup> <sup>1465</sup> <sup>1470</sup> <sup>1475</sup> <sup>1480</sup> <sup>1485</sup> <sup>1490</sup> <sup>1495</sup> <sup>1500</sup> <sup>1505</sup> <sup>1510</sup> <sup>1515</sup> <sup>1520</sup> <sup>1525</sup> <sup>1530</sup> <sup>1535</sup> <sup>1540</sup> <sup>1545</sup> <sup>1550</sup> <sup>1555</sup> <sup>1560</sup> <sup>1565</sup> <sup>1570</sup> <sup>1575</sup> <sup>1580</sup> <sup>1585</sup> <sup>1590</sup> <sup>1595</sup> <sup>1600</sup> <sup>1605</sup> <sup>1610</sup> <sup>1615</sup> <sup>1620</sup> <sup>1625</sup> <sup>1630</sup> <sup>1635</sup> <sup>1640</sup> <sup>1645</sup> <sup>1650</sup> <sup>1655</sup> <sup>1660</sup> <sup>1665</sup> <sup>1670</sup> <sup>1675</sup> <sup>1680</sup> <sup>1685</sup> <sup>1690</sup> <sup>1695</sup> <sup>1700</sup> <sup>1705</sup> <sup>1710</sup> <sup>1715</sup> <sup>1720</sup> <sup>1725</sup> <sup>1730</sup> <sup>1735</sup> <sup>1740</sup> <sup>1745</sup> <sup>1750</sup> <sup>1755</sup> <sup>1760</sup> <sup>1765</sup> <sup>1770</sup> <sup>1775</sup> <sup>1780</sup> <sup>1785</sup> <sup>1790</sup> <sup>1795</sup> <sup>1800</sup> <sup>1805</sup> <sup>1810</sup> <sup>1815</sup> <sup>1820</sup> <sup>1825</sup> <sup>1830</sup> <sup>1835</sup> <sup>1840</sup> <sup>1845</sup> <sup>1850</sup> <sup>1855</sup> <sup>1860</sup> <sup>1865</sup> <sup>1870</sup> <sup>1875</sup> <sup>1880</sup> <sup>1885</sup> <sup>1890</sup> <sup>1895</sup> <sup>1900</sup> <sup>1905</sup> <sup>1910</sup> <sup>1915</sup> <sup>1920</sup> <sup>1925</sup> <sup>1930</sup> <sup>1935</sup> <sup>1940</sup> <sup>1945</sup> <sup>1950</sup> <sup>1955</sup> <sup>1960</sup> <sup>1965</sup> <sup>1970</sup> <sup>1975</sup> <sup>1980</sup> <sup>1985</sup> <sup>1990</sup> <sup>1995</sup> <sup>2000</sup> <sup>2005</sup> <sup>2010</sup> <sup>2015</sup> <sup>2020</sup> <sup>2025</sup> <sup>2030</sup> <sup>2035</sup> <sup>2040</sup> <sup>2045</sup> <sup>2050</sup> <sup>2055</sup> <sup>2060</sup> <sup>2065</sup> <sup>2070</sup> <sup>2075</sup> <sup>2080</sup> <sup>2085</sup> <sup>2090</sup> <sup>2095</sup> <sup>2100</sup> <sup>2105</sup> <sup>2110</sup> <sup>2115</sup> <sup>2120</sup> <sup>2125</sup> <sup>2130</sup> <sup>2135</sup> <sup>2140</sup> <sup>2145</sup> <sup>2150</sup> <sup>2155</sup> <sup>2160</sup> <sup>2165</sup> <sup>2170</sup> <sup>2175</sup> <sup>2180</sup> <sup>2185</sup> <sup>2190</sup> <sup>2195</sup> <sup>2200</sup> <sup>2205</sup> <sup>2210</sup> <sup>2215</sup> <sup>2220</sup> <sup>2225</sup> <sup>2230</sup> <sup>2235</sup> <sup>2240</sup> <sup>2245</sup> <sup>2250</sup> <sup>2255</sup> <sup>2260</sup> <sup>2265</sup> <sup>2270</sup> <sup>2275</sup> <sup>2280</sup> <sup>2285</sup> <sup>2290</sup> <sup>2295</sup> <sup>2300</sup> <sup>2305</sup> <sup>2310</sup> <sup>2315</sup> <sup>2320</sup> <sup>2325</sup> <sup>2330</sup> <sup>2335</sup> <sup>2340</sup> <sup>2345</sup> <sup>2350</sup> <sup>2355</sup> <sup>2360</sup> <sup>2365</sup> <sup>2370</sup> <sup>2375</sup> <sup>2380</sup> <sup>2385</sup> <sup>2390</sup> <sup>2395</sup> <sup>2400</sup> <sup>2405</sup> <sup>2410</sup> <sup>2415</sup> <sup>2420</sup> <sup>2425</sup> <sup>2430</sup> <sup>2435</sup> <sup>2440</sup> <sup>2445</sup> <sup>2450</sup> <sup>2455</sup> <sup>2460</sup> <sup>2465</sup> <sup>2470</sup> <sup>2475</sup> <sup>2480</sup> <sup>2485</sup> <sup>2490</sup> <sup>2495</sup> <sup>2500</sup> <sup>2505</sup> <sup>2510</sup> <sup>2515</sup> <sup>2520</sup> <sup>2525</sup> <sup>2530</sup> <sup>2535</sup> <sup>2540</sup> <sup>2545</sup> <sup>2550</sup> <sup>2555</sup> <sup>2560</sup> <sup>2565</sup> <sup>2570</sup> <sup>2575</sup> <sup>2580</sup> <sup>2585</sup> <sup>2590</sup> <sup>2595</sup> <sup>2600</sup> <sup>2605</sup> <sup>2610</sup> <sup>2615</sup> <sup>2620</sup> <sup>2625</sup> <sup>2630</sup> <sup>2635</sup> <sup>2640</sup> <sup>2645</sup> <sup>2650</sup> <sup>2655</sup> <sup>2660</sup> <sup>2665</sup> <sup>2670</sup> <sup>2675</sup> <sup>2680</sup> <sup>2685</sup> <sup>2690</sup> <sup>2695</sup> <sup>2700</sup> <sup>2705</sup> <sup>2710</sup> <sup>2715</sup> <sup>2720</sup> <sup>2725</sup> <sup>2730</sup> <sup>2735</sup> <sup>2740</sup> <sup>2745</sup> <sup>2750</sup> <sup>2755</sup> <sup>2760</sup> <sup>2765</sup> <sup>2770</sup> <sup>2775</sup> <sup>2780</sup> <sup>2785</sup> <sup>2790</sup> <sup>2795</sup> <sup>2800</sup> <sup>2805</sup> <sup>2810</sup> <sup>2815</sup> <sup>2820</sup> <sup>2825</sup> <sup>2830</sup> <sup>2835</sup> <sup>2840</sup> <sup>2845</sup> <sup>2850</sup> <sup>2855</sup> <sup>2860</sup> <sup>2865</sup> <sup>2870</sup> <sup>2875</sup> <sup>2880</sup> <sup>2885</sup> <sup>2890</sup> <sup>2895</sup> <sup>2900</sup> <sup>2905</sup> <sup>2910</sup> <sup>2915</sup> <sup>2920</sup> <sup>2925</sup> <sup>2930</sup> <sup>2935</sup> <sup>2940</sup> <sup>2945</sup> <sup>2950</sup> <sup>2955</sup> <sup>2960</sup> <sup>2965</sup> <sup>2970</sup> <sup>2975</sup> <sup>2980</sup> <sup>2985</sup> <sup>2990</sup> <sup>2995</sup> <sup>3000</sup> <sup>3005</sup> <sup>3010</sup> <sup>3015</sup> <sup>3020</sup> <sup>3025</sup> <sup>3030</sup> <sup>3035</sup> <sup>3040</sup> <sup>3045</sup> <sup>3050</sup> <sup>3055</sup> <sup>3060</sup> <sup>3065</sup> <sup>3070</sup> <sup>3075</sup> <sup>3080</sup> <sup>3085</sup> <sup>3090</sup> <sup>3095</sup> <sup>3100</sup> <sup>3105</sup> <sup>3110</sup> <sup>3115</sup> <sup>3120</sup> <sup>3125</sup> <sup>3130</sup> <sup>3135</sup> <sup>3140</sup> <sup>3145</sup> <sup>3150</sup> <sup>3155</sup> <sup>3160</sup> <sup>3165</sup> <sup>3170</sup> <sup>3175</sup> <sup>3180</sup> <sup>3185</sup> <sup>3190</sup> <sup>3195</sup> <sup>3200</sup> <sup>3205</sup> <sup>3210</sup> <sup>3215</sup> <sup>3220</sup> <sup>3225</sup> <sup>3230</sup> <sup>3235</sup> <sup>3240</sup> <sup>3245</sup> <sup>3250</sup> <sup>3255</sup> <sup>3260</sup> <sup>3265</sup> <sup>3270</sup> <sup>3275</sup> <sup>3280</sup> <sup>3285</sup> <sup>3290</sup> <sup>3295</sup> <sup>3300</sup> <sup>3305</sup> <sup>3310</sup> <sup>3315</sup> <sup>3320</sup> <sup>3325</sup> <sup>3330</sup> <sup>3335</sup> <sup>3340</sup> <sup>3345</sup> <sup>3350</sup> <sup>3355</sup> <sup>3360</sup> <sup>3365</sup> <sup>3370</sup> <sup>3375</sup> <sup>3380</sup> <sup>3385</sup> <sup>3390</sup> <sup>3395</sup> <sup>3400</sup> <sup>3405</sup> <sup>3410</sup> <sup>3415</sup> <sup>3420</sup> <sup>3425</sup> <sup>3430</sup> <sup>3435</sup> <sup>3440</sup> <sup>3445</sup> <sup>3450</sup> <sup>3455</sup> <sup>3460</sup> <sup>3465</sup> <sup>3470</sup> <sup>3475</sup> <sup>3480</sup> <sup>3485</sup> <sup>3490</sup> <sup>3495</sup> <sup>3500</sup> <sup>3505</sup> <sup>3510</sup> <sup>3515</sup> <sup>3520</sup> <sup>3525</sup> <sup>3530</sup> <sup>3535</sup> <sup>3540</sup> <sup>3545</sup> <sup>3550</sup> <sup>3555</sup> <sup>3560</sup> <sup>3565</sup> <sup>3570</sup> <sup>3575</sup> <sup>3580</sup> <sup>3585</sup> <sup>3590</sup> <sup>3595</sup> <sup>3600</sup> <sup>3605</sup> <sup>3610</sup> <sup>3615</sup> <sup>3620</sup> <sup>3625</sup> <sup>3630</sup> <sup>3635</sup> <sup>3640</sup> <sup>3645</sup> <sup>3650</sup> <sup>3655</sup> <sup>3660</sup> <sup>3665</sup> <sup>3670</sup> <sup>3675</sup> <sup>3680</sup> <sup>3685</sup> <sup>3690</sup> <sup>3695</sup> <sup>3700</sup> <sup>3705</sup> <sup>3710</sup> <sup>3715</sup> <sup>3720</sup> <sup>3725</sup> <sup>3730</sup> <sup>3735</sup> <sup>3740</sup> <sup>3745</sup> <sup>3750</sup> <sup>3755</sup> <sup>3760</sup> <sup>3765</sup> <sup>3770</sup> <sup>3775</sup> <sup>3780</sup> <sup>3785</sup> <sup>3790</sup> <sup>3795</sup> <sup>3800</sup> <sup>3805</sup> <sup>3810</sup> <sup>3815</sup> <sup>3820</sup> <sup>3825</sup> <sup>3830</sup> <sup>3835</sup> <sup>3840</sup> <sup>3845</sup> <sup>3850</sup> <sup>3855</sup> <sup>3860</sup> <sup>3865</sup> <sup>3870</sup> <sup>3875</sup> <sup>3880</sup> <sup>3885</sup> <sup>3890</sup> <sup>3895</sup> <sup>3900</sup> <sup>3905</sup> <sup>3910</sup> <sup>3915</sup> <sup>3920</sup> <sup>3925</sup> <sup>3930</sup> <sup>3935</sup> <sup>3940</sup> <sup>3945</sup> <sup>3950</sup> <sup>3955</sup> <sup>3960</sup> <sup>3965</sup> <sup>3970</sup> <sup>3975</sup> <sup>3980</sup> <sup>3985</sup> <sup>3990</sup> <sup>3995</sup> <sup>4000</sup> <sup>4005</sup> <sup>4010</sup> <sup>4015</sup> <sup>4020</sup> <sup>4025</sup> <sup>4030</sup> <sup>4035</sup> <sup>4040</sup> <sup>4045</sup> <sup>4050</sup> <sup>4055</sup> <sup>4060</sup> <sup>4065</sup> <sup>4070</sup> <sup>4075</sup> <sup>4080</sup> <sup>4085</sup> <sup>4090</sup> <sup>4095</sup> <sup>4100</sup> <sup>4105</sup> <sup>4110</sup> <sup>4115</sup> <sup>4120</sup> <sup>4125</sup> <sup>4130</sup> <sup>4135</sup> <sup>4140</sup> <sup>4145</sup> <sup>4150</sup> <sup>4155</sup> <sup>4160</sup> <sup>4165</sup> <sup>4170</sup> <sup>4175</sup> <sup>4180</sup> <sup>4185</sup> <sup>4190</sup> <sup>4195</sup> <sup>4200</sup> <sup>4205</sup> <sup>4210</sup> <sup>4215</sup> <sup>4220</sup> <sup>4225</sup> <sup>4230</sup> <sup>4235</sup> <sup>4240</sup> <sup>4245</sup> <sup>4250</sup> <sup>4255</sup> <sup>4260</sup> <sup>4265</sup> <sup>4270</sup> <sup>4275</sup> <sup>4280</sup> <sup>4285</sup> <sup>4290</sup> <sup>4295</sup> <sup>4300</sup> <sup>4305</sup> <sup>4310</sup> <sup>4315</sup> <sup>4320</sup> <sup>4325</sup> <sup>4330</sup> <sup>4335</sup> <sup>4340</sup> <sup>4345</sup> <sup>4350</sup> <sup>4355</sup> <sup>4360</sup> <sup>4365</sup> <sup>4370</sup> <sup>4375</sup> <sup>4380</sup> <sup>4385</sup> <sup>4390</sup> <sup>4395</sup> <sup>4400</sup> <sup>4405</sup> <sup>4410</sup> <sup>4415</sup> <sup>4420</sup> <sup>4425</sup> <sup>4430</sup> <sup>4435</sup> <sup>4440</sup> <sup>4445</sup> <sup>4450</sup> <sup>4455</sup> <sup>4460</sup> <sup>4465</sup> <sup>4470</sup> <sup>4475</sup> <sup>4480</sup> <sup>4485</sup> <sup>4490</sup> <sup>4495</sup> <sup>4500</sup> <sup>4505</sup> <sup>4510</sup> <sup>4515</sup> <sup>4520</sup> <sup>4525</sup> <sup>4530</sup> <sup>4535</sup> <sup>4540</sup> <sup>4545</sup> <sup>4550</sup> <sup>4555</sup> <sup>4560</sup> <sup>4565</sup> <sup>4570</sup> <sup>4575</sup> <sup>4580</sup> <sup>4585</sup> <sup>4590</sup> <sup>4595</sup> <sup>4600</sup> <sup>4605</sup> <sup>4610</sup> <sup>4615</sup> <sup>4620</sup> <sup>4625</sup> <sup>4630</sup> <sup>4635</sup> <sup>4640</sup> <sup>4645</sup> <sup>4650</sup> <sup>4655</sup> <sup>4660</sup> <sup>4665</sup> <sup>4670</sup> <sup>4675</sup> <sup>4680</sup> <sup>4685</sup> <sup>4690</sup> <sup>4695</sup> <sup>4700</sup> <sup>4705</sup> <sup>4710</sup> <sup>4715</sup> <sup>4720</sup> <sup>4725</sup> <sup>4730</sup> <sup>4735</sup> <sup>4740</sup> <sup>4745</sup> <sup>4750</sup> <sup>4755</sup> <sup>4760</sup> <sup>4765</sup> <sup>4770</sup> <sup>4775</sup> <sup>4780</sup> <sup>4785</sup> <sup>4790</sup> <sup>4795</sup> <sup>4800</sup> <sup>4805</sup> <sup>4810</sup> <sup>4815</sup> <sup>4820</sup> <sup>4825</sup> <sup>4830</sup> <sup>4835</sup> <sup>4840</sup> <sup>4845</sup> <sup>4850</sup> <sup>4855</sup> <sup>4860</sup> <sup>4865</sup> <sup>4870</sup> <sup>4875</sup> <sup>4880</sup> <sup>4885</sup> <sup>4890</sup> <sup>4895</sup> <sup>4900</sup> <sup>4905</sup> <sup>4910</sup> <sup>4915</sup> <sup>4920</sup> <sup>4925</sup> <sup>4930</sup> <sup>4935</sup> <sup>4940</sup> <sup>4945</sup> <sup>4950</sup> <sup>4955</sup> <sup>4960</sup> <sup>4965</sup> <sup>4970</sup> <sup>4975</sup> <sup>4980</sup> <sup>4985</sup> <sup>4990</sup> <sup>4995</sup> <sup>5000</sup> <sup>5005</sup> <sup>5010</sup> <sup>5015</sup> <sup>5020</sup> <sup>5025</sup> <sup>5030</sup> <sup>5035</sup> <sup>5040</sup> <sup>5045</sup> <sup>5050</sup> <sup>5055</sup> <sup>5060</sup> <sup>5065</sup> <sup>5070</sup> <sup>5075</sup> <sup>5080</sup> <sup>5085</sup> <sup>5090</sup> <sup>5095</sup> <sup>5100</sup> <sup>5105</sup> <sup>5110</sup> <sup>5115</sup> <sup>5120</sup> <sup>5125</sup> <sup>5130</sup> <sup>5135</sup> <sup>5140</sup> <sup>5145</sup> <sup>5150</sup> <sup>5155</sup> <sup>5160</sup> <sup>5165</sup> <sup>5170</sup> <sup>5175</sup> <sup>5180</sup> <sup>5185</sup> <sup>5190</sup> <sup>5195</sup> <sup>5200</sup> <sup>5205</sup> <sup>5210</sup> <sup>5215</sup> <sup>5220</sup> <sup>5225</sup> <sup>5230</sup> <sup>5235</sup> <sup>5240</sup> <sup>5245</sup> <sup>5250</sup> <sup>5255</sup> <sup>5260</sup> <sup>5265</sup> <sup>5270</sup> <sup>5275</sup> <sup>5280</sup> <sup>5285</sup> <sup>5290</sup> <sup>5295</sup> <sup>5300</sup> <sup>5305</sup> <sup>5310</sup> <sup>5315</sup> <sup>5320</sup> <sup>5325</sup> <sup>5330</sup> <sup>5335</sup> <sup>5340</sup> <sup>5345</sup> <sup>5350</sup> <sup>5355</sup> <sup>5360</sup> <sup>5365</sup> <sup>5370</sup> <sup>5375</sup> <sup>5380</sup> <sup>5385</sup> <sup>5390</sup> <sup>5395</sup> <sup>5400</sup> <sup>5405</sup> <sup>5410</sup> <sup>5415</sup> <sup>5420</sup> <sup>5425</sup> 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Give me leave againe, what will  
 you dispute for the Extrication of En-  
 gland? how can this Confift with  
 your affection to us or what arguments  
 will steame, will your affection, in  
 which it will, to Ruine and defterred  
 to do? Besides, when such Disputation ap-  
 pears to design and prophecie the Extri-  
 cation of the King, & his affections Govern-  
 ment, who see not Murther, Sedition, in  
 him to say no? Wee see with due regard  
 especially, when the Governement  
 hath affreid and feare, given  
 judgment, declared their Will to the Con-  
 fessors, by Restraint of all Government  
 in all their Officers, to his former Authority  
 and Priviledges against all Endeavours  
 for his Extrication, in the 35 Y.  
 Lastly, would you dispute only for  
 a Reformation of it, this is nothing  
 or Extrication: and not content with the  
 Reformation, will have effectual  
 - 1530 But you are ready to say, there is  
 a sufficient Supposition, and this is suffi-  
 cient Extraordinary, for I know no  
 Subject, but I can to recall acts to be done  
 to it. Upon such a base foundation, must  
 come a little, but indeed, here lies the  
 strength of his Contrarie, and the strength  
 of

# The Ground Case.

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Sampson; that it must be better provided,  
2. That Religion is Properly Fundament  
and in the Service of the King; and 3. That  
Religion is Entitled Government, in by  
Imperial Subjects. I shall Examine  
them severally and briefly, for if either  
of thefoe fails, your Law will offend.

## S E C T. 5.

Whether to Religion be a Endeavour pro-  
moted by the King, and in the ACT.

I. Whether the calling government, as thou  
wilt call it, is just granted, that no Person or  
number to do anything in to his honor consider.

2. Whether, that the Christian prayer  
to God & Christianity distinguished from  
Ourselves. Besides clearly from the same writing  
the greatest to us known before, John  
17. We find, in the common service to be  
found with Ecclesiasticus prayers to such  
as are called Gods, with our own  
Endeavours especially, considering that  
the thing to Ask of God, are capable of  
our own knowledge; yet, if in by for  
gaining or maintaining of great objects,  
our prayers, are a means not only to light  
the minds reflecting the same; but as al-  
most and a great part is a thing of self  
evident, that we can't help putting them  
as T 8

K 2

As no further Manner is all the Work  
for the effecting of it belongs to our Go-  
vernours; put any Familiar Instance with  
your selves, and resolve the Doubt: Will  
you say that the Childe defiring his Pa-  
ther to wind up his Watch is the Childe  
Endeavouring the winding it up, or to  
wind it up.

4. I can easily Consent, that *Conatus*  
is not effectus: yet you acknowledge it,  
is a motion towards the Effect? which you  
call a *Natural power*: and I doubt not  
we agree, that *Conatus* hath essentially  
in it a Natural tendency and operation  
towards the effect, Endeavoured.  
Now simple and bare Petition or  
submitter supplication hath always, it hath  
indeed a verbal motion for the thing ad-  
vised; but no real Operation in the Natural  
Motion towards the effecting of it. Now  
as to The subject, By Petitioneal Mr.  
Sirs in; but the Parliament in all these la-  
legal methods of debating, voting, amending,  
engrossing &c do properly endeavor  
the Abolition of any thing legally estab-  
lished, and soon taken & set, etc. etc.  
Truly, I soberly discern this distinc-  
tion of Petition and Endeavor both in  
the Crown, and in the whole Magis-  
tracy.

8. The Covenant saith, we shall ~~endeavour~~ Extinguish the Extirpation of Prelacy: not define, or persuade, but Endeavour it. Neither can you possibly persuade yourselves, that such as then imposed and took the Covenant did at first intend such Endeavours as you mean, who took other counsels, you well know, to effect the same.

10. It is added, Constantly and zealous-  
ly; must we be always zealous and hot in our Petitions: must we perpetually sete  
licite King and Parliament with our sup-  
plications? this will hardly consist with  
submiss Supplication.

10. Indeed it is plainly Sedition to in-  
self, take Endeavour in your own sense,  
publicely to engage by Covenant, zealous-  
ly, and constantly to Petition, the Alteration  
of Government: this is, to declare to  
the World, that we will never be quiet  
under it.

11. Thus also, it is in the 1st, we are  
to declare, there lies no Obligation to En-  
deavour a change: it is not said, that we  
shall not Petition that others may Endeav-  
our it.

Rational Endeavour implies, that  
the persons endeavouring have probably  
a power to effect it: but it is certain, before  
hand,

hould, that, without the Supreme Law, or  
native Power, the Subjects can never effect  
the Extirpation of Episcopacy; therefore  
they cannot lawfully or lawfully indeed  
sue it: therefore if they promise or  
endeavour so to do, it is sinfull; and they  
may lawfully declare they are not obliged  
unto it, that is to say, that what they  
have no power by Law to do, neither can  
the Act be thought to intent any more  
than to extirpate Episcopacy, and negat the effects of  
the 13. Lastly, If subjects supplication be  
yet thought to have any force of evidence  
in it, it cannot be rationally thought to be  
intended in the world; consider, in the  
Act; you observe that both in the  
Bill and in the Covenants are of the same  
force, and it is too evident there was more  
in endeavour in the Covenants than in  
Petition and subjects supplication, which  
ran us upon those sad consequences that  
in all reason the intention of this new Act  
is but to secure us from your lay to make  
Law against simple Endeavour is certain-  
ly destructive to the Liberty of the Sub-  
ject and Priviledge of Parliament; Men  
thinkes then, you should not apprehend  
such a simple and bare endeavour to be  
disclaimed, as is essential for your wa-

Judge.

Judgements to the liberty of the Subject  
and privilege of Parliament: which is  
one of those two said divers, which to

## SECT.

*Whether to enclaven, &c. to be at all times  
within Juris: to every Subject, &c. & so  
to. 1. Cannot yet consent, that to enclav-  
er to affect the Government of the  
Church, is at all times, or at this time,  
not fit to every, or to any, Subject; or  
indeed to any person in the Nation, to  
speak home.*

2. The King is the proper Judge of  
what Government is fittest for the Church,  
both as He is Supreme Governor over it;  
and as he is the Head of the Parliament.

3. As he is Supreme Governor over the  
Church of England, he is Supreme Judge  
in all Causes, into whom the Appeal  
refolves; and consequently, he is Supreme  
Judge in this of the fitness of the Govern-  
ment of the Church, unto whom the Appeal  
for a final & definitive sentence  
and determination is only to be made.

4. Again, as he is Head of the Parlia-  
ment, he is no less. For though the 2 Points  
be also Judges of the fitness of the Gov-  
ernment, yet still, with submission and re-  
fervation to the biggest Judge thereof,

their Sovereign Lord the King; who hath  
a Negative upon both Houses, and gives  
life or death, with his own word, to any  
Bill tendered to him.

5. So that in matters Legally enacting, the King hath this great advantage above his 2 houses: the King hath power of himself to continue the existence of any such thing, without his two houses: that is, whether they will or not: and they cannot remove or abolish any such thing, without the King, or whether he will or no

6. Suppose it be granted, that the people may petition, & both houses may proceed so far as to frame a Bill against a Government absolutely considered, and without respect to any Prior Obligations by Oath, or otherwise, upon the King; and render this unto the King, in Order to the extirpation of the same: yet if the King refuse to pass the Bill, that Bill so once rejected cannot be revived, during that Parliament: neither may any person, in either house, so much as move it any more, by the laws of Parliament, which nothing can warrant against, but the necessity of the things so to be revived upon the Word of God,

7. The same Reason persuades me, that

that, when both King and Parliament have, by fresh law, declared their dissent, to alter the Government against all endeavours used, to that end, (and so they have done, by the late Statute for its re-formation) then, we the Subjects cannot be bound any longer to endeavour it, if we were bound before.

8. To be bound, still to vex the King and Parliament with perpetual repetition of Petitions, to remove a Government, which they have, & still do signify they will not remove: yet, which they do signify, and, rating so much they must be to be bound to go contrary to another, as well as Law, to trouble the peace of Church and State, and the Government over us; and indeed, to endeavour or labour in vain, all hopes of prevailing being taken away: *et postquam placitum debetata est, et resistari fieri non potest, cessat obligatio, ex jure dicto fundamento, quod Nemo Tenetur ad impossibile.*

9. This must needs pass without all control, if we add to the consideration, that the King is known to be bound to, and bound to take an Oath, by the very constitution of the Kingdom, to maintain and defend the Government in question, as he is King,

10. It

more by heresies neftably following, and  
the King comes into a previous Oath  
contrary to his CROWNED Oath, but he  
thereby violates the very constitution of  
this KINGDOME; and there is an OATH  
given upon this to defend, and to FIGHT  
as defend before any CHIEF that  
may be taken by him to ex parte Episcopacy;

34. Yet, the KING cannot be bound  
to endeavour to support Episcopacy, by  
any such previous Oath, seeing such an  
endeavour cannot consist with the Tenor  
of his CROWNED Oath, to protect and  
defend the CHURCH; and if he should be  
tempted to take such an OATH, before the  
Assembly to ENDOW his fact, for as he was  
born into the CHURCH, and brought up  
in the CHURCH, and bound by  
KING to mainte

35. I need not say the Commission above  
is ~~unlawful~~ in this particular; it is en-  
ough, that it is not yet altered, and that  
it cannot be lawfully altered, but by Act  
of PARLIAMENT. I am sure, you will not  
say the KING, much less before he is  
Crowned, hath power of himself, or with  
any others besides his PARLIAMENT, to make  
or diminish or alter any known Law, es-  
pecially

specially when which Sums of money the  
privy sealers &c. have by them received, & so  
taken and laid out, and what no account can  
be given why they should be charged with  
the same sumes ; which was done by the  
King in the contrary before mentioned to  
void the Coronation Oath presented by  
John when he being by his private Oath  
may lawfully bind himself to endeavour  
to destroy the parliament of Scotland, and  
the King of the West Indies, and the other  
great enemies of M. George Murray, as well  
as to annihilate Episcopacy, which the Con-  
vention Oath is soon afterwards, to hold not  
as binding him to do by all the laws  
of the realm. But you will say, now, there is  
necessity of the thing first from the Oath  
itself, and of the Law and Oath taken by  
shortly before said change, nowe heres as  
also, The Coronation Oath is part of the  
Insignia of the Crown, and all the  
Subjects in their several capacities are  
equally concerned interestly part of it, as  
Subjects : for if we allow the Subjects in  
any other part, will engro' our security in the  
rest, but also affirme, that  
¶. Moreover, 'tis certayne that though  
where the Convention judgith the mat-  
ter of a former Oath, & of the Conven-  
tion Oath,

and is bound against day sinne (which to)  
 the contrary; yet if the Conscience be  
 convinced or fully persuaded that the  
 former oath was made in the memory of  
 is phal, which take uppon it a new Oath to  
 the contrary; in such case the latter oath  
 binds the person bound. 201. 202.

Now it is open and plaine to all the  
 world, that (seeing the King hath taken  
 his Coronation Oath for no defens the Bi-  
 shoppes & passed those Bills for the extir-  
 pation and preservation of Episcopal Gover-  
 nment, and by his other proclamations and  
 preaches of the like nature;) his Consci-  
 ence will not suffer him to defend Episco-  
 pal Government, nor in that endeavour  
 to do any very sinfull thing; so as to offend  
 God. Surely the King cannot be bound  
 to endeavour against his Conscience,  
 more then to you against your; much less  
 against his Conscience binded by an Oath,  
 his solemn Coronation Oath; the bond of  
 his Fidelity, and peoples sechritye this oath  
 taken hold upon him, and invinciblly tie-  
 eth him under such compulsion to preferre  
 his Conscience, and his oath, and Episcop-  
 al Government. 203. 204. 205. 206. 207.

In all charity and day we are  
 bound to judge according to all this ap-  
 pearance

the Grand-Off.

Q. 14

pearlme; and I cannot imagine that any  
man doth scruple whether the King be in  
His just and royal Editorial Government,  
against all the world; the batch given by  
of the Order of a Royal Decree, a very good one.

14. So that the Omnipotence of the young  
Person is removed beyond all suspicion,  
and seeing we are free to declare "What  
things are in themselves," but what we  
judge them to be, which can possibly affect  
to declare; That he holds the Kingdom  
for us not bound by any law of his own  
but the Law of Right and Government.  
Now stop me with reason, who  
therefore durst by any means in the world  
or by any man's authority, now can they do  
any thing? And being so said, think ye, to  
endeavour to make the King sin, and in  
so high a manner as to violate His Civil  
Jurisdiction, and His solemn sacred Coronation  
an Oath? without which he cannot stand  
true to His Royal Throne? proved with  
His Majesty's the King of England  
Government. Now say of whom  
15. (Continuing) I say, in her last Despatch  
will you withdraw your self from the wrong  
done; whether any man have done  
any injury to her? But by declining him and  
pouring so much upon her only through  
himself.

Con-

Considereth howe he shal beste serve his Country and Com  
 munitye, and howe he shal beste serve the Kinge and the  
 Commonwealthe, by the which meanes he shall beste  
 serue the Bishopps : give me leave to subjoyn, that  
 the summe of that historye, touching all the  
 transactions before 1545 relates to thine  
 predecessor this Bishop 1545, wherefore I  
 thinke it will be sufficiente to shewe this  
 to him, and to let him have a copye  
 of the same, soe as he maye be  
 assured of the manye particulars  
 wherby he shal be satisfie, touching his  
 predecessor. And alsoe touching his  
 selfe, touching his service to the Commonwealthe  
 by chynging the Bishopps, and the  
 Bishopps of the Bishopps, and the Churchchests  
 and the Chancellorrie, Then kinges, and  
 smalles in the meanes of armes, and  
 duchesses, and marchionesses, and  
 baroness, and other such nobilitie and  
 emperors, and emperesse, and the Churchchests com  
 mitted to your charge, All ecclesiastical  
 priuileges, and diuinall, and Justice,  
 and Chancellorrie, and Prelacie, and Bish  
 opacie, and other Power, by that 1545 Bishop  
 Grafton, touching all the Bishopps, and  
 duchesses, and marchionesses, and  
 baroness, and other such nobilitie  
 and

send

and the Bishops, and Clergy under  
their Government, if not paid w<sup>th</sup> money

25. Then the King apostol, and as the  
Constitutive Lethis, made a solemn Oath  
in the presence of the People, to observe  
the prece<sup>s</sup>age, and laying his hand upon  
the Book, saith, the Oath, which I have  
before mentioned, I do therefore, and beseech  
you help, to say, ~~that~~ <sup>that</sup> I will not aban-

don the Commonwealth of England, & the English

people, who can think, himself, or

any other person, bound by any Oblas-

tion whatsoever, to Nonconformity, so farre as

in them lies, to His Majestie to Viol-

late His Lawe, so to extirpate his

Iniquitatis, & evillnesse, & to give to the

subjectes of England, their due O-

ffice, & Right, & Justice, & Liberty, & Freedom,

which the Covenanter did, & did not do, before he

1. Must still affert, the Liberty of the

Subject, was apparently violated by

the Oraner, for the Covenant, being

the Pres-biterians, & the Episcopall, & several other

and former, Conquerours, were then

invaded ; while the Bishops, and Com-

munity, were constituted, but none to

the present time, either house of Parliament,

whereas, when Oliver, More, and Cromwell

151st

2. This

This was the End of my Argument, which you little regard, and which His Excellency did not like at all. I am out of the mind in my self, upon these; that without Reference to some particular Law, it is not fit to send to the King, or Parliament, to destroy any person or publicke Corporation, or to deprive them of their legal Privileges, especially whilst their Representatives are kept out of Parliament; it being against common Justice, and the Liberty of the Subject in England. To conclude, admit Mr. Crafte did truly Recite the words in the Bill of Right, [whereas many of them were in Oath administered to them, not warrantable by the Law; and Statutes of this Realm] yet my Assertion stands very enough, that the Covenant is against the Petition of Right. For, it is not warrantable by the Laws and Statutes of this Realm, whether you consider the manner of impossing and taking, & the very number of it, which fully appeared before the Committee. This Petition is given by Con-  
-Judges, and Corporations. But are they not warrantable by the Law, and Statutes

Suzerain of the Realm? If not, I am not afraid to infer, that such as impose them run, thereby into a premunire; if they are, then my arguments passeth unto touch'd

7. Indeed, these particular Oaths are not, in so many words, found in the Statutes; yet who doubts, but that the King hath power by the Laws of the Land, to grant such Charters; and to give Authority to Colledges and Corporations to Administer such Oaths?

8. Again, who can, or dare lay claim to such a power, but the King: or Administer such Oaths, without power from the King: much less against his Express will and Proclamation?

### C A S E X V I I .

Whether the Covenant be not against former Obligations.

1. I Conclude it is so, and therefore void: the force of the Consequence cannot be resisted in those excellent words of our great Casuist. *Obligatio Antecedens impedit effectum Juramenti Subsequens, ne possit Obligare: Semper enim Obligatio prior prejudicat posteriori, & Irritum facit omnem Actum inductivum nova Obligationis sibi Contrarie.*

2. I assume, there were three strong Cords and bonds of God upon us, to the Contrary, before ever the Covenant was taken or thought of; to Obey Authority: to keep our Oaths and promises: to Serve the Church in Our Generations; which we shall now *review* in their *order*.

## S E C T. I.

*Whether the Covenant be not against the Law of Obedience to Authority.*

1. You would persuade us, that I affirm this openly upon my former Principles, because the Covenant is against the *Rights of the King*, the *Laws of the Land*, the *Priviledge of Parliament*, and the *Liberty of the Subjects*: which, you conceive, are all laid in the *dust*.

2. Perhaps, you may find these Principles more potent and vigorous in their Resurrection: however, though I had a General Reflection upon these former Arguments; yet, I added a particular force to the present Argument, (which, having raised a *Dust*, it seems you did not see,) in these words.

3. More particularly, God first Obligeth us to be *Subject* and to *obey* our *Governours*; and the Covenant would engage

engage us to disobey, disown and destroy them : ( I mean our Governors in the Church ) the Covenant would discharge us of our obedience, and oblige us to Resistance, Contrary to Gods express obligation upon us, which cannot be.

4. God doth immediately, by his Word, and likewise by the Mediation and interposition of Civil Authority, command us to obey, to be subject, and not to resist our Spiritual Governors, the Covenant would engage to break all at once ; and at once to violate the Laws of God, the King and the Church, and all Authority.

5. Our duty is positive, to be subject, 2. Negative, not to Resist ; whosoever resisteth the power, resisteth the Ordinance of God. — Wherefore we must needs be subject for conscience sake. Rom. 13. Now both these are broken by the Covenant, the one by omission, the other by commission.

6. First, Our positive duty of obedience and subjection carrieth in it, by Universal Consent, to defend, preserve, to honour, observe, and to be faithful to our Governors ; now how these are consistent with Endeavours to Extinguish, I cannot see.

7. Again, Our Negative part, or Non-resistance, is transgressed too: by the Apostles Logick, not to be subject, is to Resist: whosoever Resisteth —— wherefore we must needs be Subject: however, to Endeavour to Extirpate, is too plainly to Resist.

8. For Endeavours to Extirpate a Government are both far beyond the compass of Subjection, they being no part either of Active or Passive Obedience; and deep in the Nature of Resistance, most properly taken.

9. Endeavours to Extirpate have Action in them, and are therefore more then passive Obedience: their Action also is Diametrically opposite to Active Obedience.

10. Again, Endeavours to Extirpate do formally carry Resistance in them: yea, they are the formal Act of high Resistance, not of the Law onely, but of the Government it self: not in the Action onely, but in the very being of it: for Extirpation is the end and utmost of Resistance; and therefore, Endeavour to Extirpate is properly resistance.

11. Pray, resolve me, to what part of our Duty to our Parents will you reduce Endeav-

Endeavours to Extirpate their Government over us: or how can such Endeavours square and Conform to the Commands of God, and the *Laws of the Land*, Not to Resist, but to be Subject to our Governours, Ecclesiastical and Civil?

12. 'Tis vain to say, we are bound to obey the *laws*, yet we may Endeavour to have them changed: It is not safe to Argue from the *Laws*, which are but the *Rules*, to our Governours, who are the object of our obedience.

13. If this consequence be Good; upon an *Oath* taken of the like Nature, against the *civil power*, we may hold our selves bound to Endeavour to Extirpate both King and Parliament.

14. For *Government by Monarchy*, and the *Constitution of Parliaments*, you will not say, they are in themselves Necessary to our *civil State*; and if, because Episcopacy is doubted to be *Fare Divini*, you conclude it *lawful to swear* against it; or having so sworn, to Endeavour to Extirpate it, I dare not undertake to find a way for the *civil Government* to escape the *danger*: the *Inference* is easie, from *Government to Go-*

overnment ; though the one be in the Church, and the other in the State ; especially seeing we cannot resist the one, and not disobey the other.

## SECT. 2.

*Whether the Covenant be not against Former Oaths and Promises.*

1. **T**HIS I also affirm, and consequently, that the Covenant was prevented by such *Prior Obligations* ; the Case is fully stated in these words of our Reverend Calvist. *Si cui Juramentum suscipiendum defereratur, continens aliquid quod Obligationi priori sive Naturali sive adquisita adversatur ut si adversetur officio, quod parenti debetur aut principi; vel si repugner ei quod Ante licet juratum fuit vel promissum ejusmodi Juramentum, non potest à quoquam salvâ conscientia, vel præstari, vel præstitum adimpleri; qui utrumvis fecerit, pejeraverit.*

2. I assume, that the Oaths of Allegiance, Supremacy and the Protestation of May 5. 1641. were taken by the Nation, before any of the Nation took the Covenant, and that the Covenant in the Second Article is Repugnant to them all.

3. In all these, you say, I was fully pre-

prevented by Mr. Crofton; and seeing this is all you say against me in these particulars, I shall only return you to one, who in all of them did as fully prevent Mr. Crofton many years ago.

4. He leads us on this; as his Majesty hath sworn expressly to maintain and defend the Government of the Church, by Arch-Bishops, Bishops, &c. So have we his Subjects implicitly sworn the same, as many of us as have taken the Oaths of Supremacy, of Allegiance, and the late Protestantation.

5. For first, his Majesty having sworn so solemnly to maintain and preserve this Government of the Church, if any Attempts or Conspiracies should be made against it we are bound by the Oath of Allegiance to maintain and defend his Majesty to the utmost of our power, in his endeavouring to make good that his oath of maintaining & defending that Government of the Church and the Rights and Privileges of these Governors against all those Conspiracies and Attempts.

6. Secondly, we have sworn in our Oath of Supremacy, that the Kings Highness is the only Supreme of this Realm,

as well in spiritual things and causes, as Temporal; and that we shall to our power assist and defend all Jurisdiction, Priviledge and Authority, granted or belonging to the Kings Highness: the Government of the Church being such an Ecclesiastical thing, and Cause, as that, next to the Doctrine of the Church, there is not any Ecclesiastical thing or Cause of nearer concernment to the King, and whole Kingdome; and the Regulating and ordering thereof belonging to his Jurisdiction, Priviledge, Preheminence and Authority, we are obliged by that Oath, not only to acknowledge his Majesty to be the Supreme Governor in that thing and Cause, but also to our power assist and defend that Jurisdiction, Priviledge, Preheminence and Authority; and not to Assay, or Endeavour ought concerning the Altering, much less the rooting out of that Government, without the Kings Consent and Approbation.

7. Lastly, we having sworn in our late Protestation to maintain and defend the Doctrine of the Church of England, against Popery; and one Article of that Doctrine, which the Papists mainly Oppose,

post, viz. six and thirty, together with several other parts thereof, approving and Justifying the Governmente of this Church; it must be granted, that we are by this Oath bound so far to maintaine and defend that Government, as to approve and justify the lawfulness thereof both in *itself*, and in its Constitution here among us.

8. Besides, we swore expressly in the same Protestation to maintain and defend the *lawful Rights and Liberties* of the Subject, and every person that made that Protestation; and therefore in that respect until we are convinced, either that Arch-Bishops and Bishops, &c. are no Subjects; or that their Right of Governing this Church is not lawful; we are bound by that Branch of the Oath, not only not to Endeavour the Extrication of the Government of the Church by them, but to the utmost of our power to maintain and defend them in that their Right of Government; and every person that took the Protestation in whatsoever he hath since done, or shall hereafter do in the maintenace and defense whereof. Anti-confederacy, p. 51.  
9. Printed 1644.

9. You

9. You believe Mr. Crofton will not stick to allow the Nationality of the *Protestation*: and then the whole Nation was under the Obligation of the *Protestation*, before the *Covenant* was taken: and consequently in those things before recited, the *Covenant* was superseded, and Master Croftons Imaginary Reality and Nationality of the *Covenant*, is thrown to the ground by Mr. Croftons Logick; his Position undermined by his Supposition.

10. Give me leave also to remember, that both in the *Oath of Supremacy*, and the *Protestation*, it was sworn to maintain the Kings Honor, as well as his Authority: but the *Covenant* is to endeavour to make the King break his *Oath*; which is plainly contrary to Endeavours to save his Honour.

11. The King hath sworn to defend and maintain this Government. It is not a necessary Duty from the Word of God, to destroy it: there is nothing more dishonourable in a King, than to break his Faith with his Subjects, yea, his *Oath* to them, his *Oath* to defend and protect them, and in so deep a measure too, by his *Extirpation* and rooting them out.

out. Lastly, the Covenant is to endeavour to prevail with the King thus, to break his Faith and Oath with his Subjects, in a thing, in your own judgments, not necessary upon him from the Word of God. Now avoid the Consequence if you can.

SECT. 3.

Whether the Covenant can oblige us to the laying down of our Ministry.

1. Thirdly, I assert, we are first obliged to serve the Church in the work of the Ministry; and the Obligation of the Covenant can no way disoblige us or discharge us of it.

2. The Argument in short, is thus. No man hath power to put a Bar, by any self-contradicting Obligation, about a thing not necessary in the way of his duty, to God or his Church; the reason is, God both first in Nature and Scripture obliged him to his duty. *Ego illud sum quicquid bono publico adversatum, aut paci Ecclesiast. politica Domestica. Sand. & Alius unius non debet prejudicare iuri alterius.* Our own private Act ought not to prejudice the rights of another, much less God & the Church.

3. But now to leave our Ministerial office, because we will not renounce this part.

part of the Covenant as required by law  
unto put a Bar in the way of our duty to  
God and his Church, from a self-contradict-  
ed-obligation, about a thing in it self  
not necessary.

4. I spent above 8 pag. in the book sup-  
veigh'd by you, in the prosecution of this  
*Argument*. Pray read them over again, &  
judge whether you have skip'd, much less  
as you speak of my other Arguments, laid  
at in the dust; indeed you have not touch-  
edit with one of your fingers.

5. This Argument may grant, or rather  
give, that it was lawful not to renounce the  
obligation of the Covenant before this All  
was made; but now the All requires it as  
the condition of continuing in the Mini-  
stry; the Case is otherwise.

6. For the Covenant could not be taken  
in a matter not necessary, without such a  
condition, that the performing of it or the  
non-renouncing of it do not afterwards  
put a bar to our duty, be understood.  
The Rule is known, *rebus sic stantibus*,  
ut si in eodem statu res permaneant, upon  
condition, that no sin hereafter be to be  
committed, no injury done, no duty o-  
mitted by keeping our Oath, or any  
thing truly consequential thereunto.

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7. There

7. There is a Case in Bishop Sander, few that brings us very near our own.

*Si Filius familiæ, &c.* If a Son, saith he, swear to do a thing that is in it self lawfull, and his father (not knowing what his son hath sworn) commandeth him to do something which bindeth him from doing that which he had sworn to do, (dare not forbide him to do it, but commandeth him to do that,) quod impeditas id fieri quod iuratum est. He resolv's the case, *filius non tenetur iuramento;* his reason by *quia legi divinita Naturali tenetur parere imperio Patris.*

8. This admitteth that you swore a lawfull thing in the Covenant, your Civil Parent commands you to do that, which binders the performing your Covenant; the Renouncing of the Obligation of it, in the Second Article. But, how much greater force is added to the Argument, if you consider the effect of your disobedience to this Command of Authority, your ceasing to work any longer in the Ministry, and disobedience to God that called you to it.

9. *Causa Causæ est Causa Causæ;* the Cause of your ceasing to do your duty to God, the Law and the Church, is your Non-Subscription, the cause of your Non-Sub-

*Subscription, Is the Covenant.* Therefore the Covenant is the cause of *clasing to do your duty*; and therefore *sinful*, and not obliging.

*Supream Authority* hath, doubtless, power to make any conditions of our serving the Church within its Dominions, in things not *sinful*, according to its own reason of State: the Covenant cannot hold us from performing such condition; for then it *binders* us from doing our *duty*, by hindering from performing the condition, upon which *alone* we are suffer'd to keep our places, and to serve the Church, and to which we have a pre-obligation of God upon us, not to be so easily broken, by our own hands.

11. Therefore, my dear Brethren, In the fear of the great God, whose Servants we all are; let me request you once again, seriously to consider: that though, for your oaths sake you ought to quit your own Interest; yet the Churches and the States you cannot.

12. Pray, enquire, who gave you power to expose your selves to an Incapacity of serving the Church, in the high and holy Calling of the Ministry (to which God hath called you, and for which he hath qualified)

fied) you, and in which, he expects you should be constant and faithful by such a *Covenant* as the renouncing thereof, is now made the condition of our election, and the discharge of our Office.

13. Ask your selves, was not the *Law of God*, requiring all that should be received into the *Ministry*, to preach the *Gospel*, to ~~want~~ much for souls, not to look back, &c. of force, before the *Covenant*? how then, can you plead the *Covenant* for the voiding of it? in such things too, as are certainly no conditions of Gods Commands.

15. I do not well know, what you mean, by the last note of your Surveyor, which onely remains to be taken notice of; your words are these. *We conceive the best of Actions may be as capable of an Impedit. boni by the intervening inhibiting Decree of Caesar: and we are to be satisfied that in that case the guilt of non-service to the Church is chargeable on our souls: We may not sin that good should come thereof.*

16. So far as I apprehend this Objection, it is most easily answered.

17. First, by yielding that the best of your *Actions* must be performed, whether *Caesar* will bite or not.

18. Se-

18. Secondly; by denying endeavouring to extirpate Episcopal Government to be of the best sort of your Actions: or the not endeavouring the same, or the renouncing the obligation of the Covenant so far, to be fin.

19. I have often said, that this to endeavour the extirpation of Episcopal Government is not in it self a duty: many of your Actions are so, and particularly, the discharge of your officer and places: therefore, if it so fall out, that through the command of Cesar, you cannot both discharge your necessary duties, and also hold your selves bound not to do a thing that in it self, is not necessary, that which would oblige you not to perform such condition of your duties, easeth so far to oblige you, and that is the Covenant.

20. Otherwise, by your own Act about an object not in it self a duty, you would supersede the Authority of Cesar in things indifferent, & clip the power which God hath given him; by extending the effect of your Covenant with God, to Cesar's injury. *Injuriam alteri facit, qui quasi Jure suo statim de iis quae sunt juris alieni.*

*Liberavi animam meam,*



A  
REVIEW  
OF THE  
GRAND CASE  
OF THE  
Present Ministry,

Whether they may *Lawfully*  
*Declare and Subscribe* as by  
the late *Act of Uniformity* is required?

In Reply to a Book Entituled;  
*A Short Survey of the Grand Case, &c.*  
Wherein all their Objections against both  
the Declarations are Considered and Answered.

---

By the same Hand.

*By Francis Fullwood, DD.]*  
Job.4.2. If we assy to commune with thee, wilt  
thou be grieved? but who can withhold himself  
from speaking?

---

London, Printed for T: Dring, and are to be sold  
at the George in Fleet-street, and by M. Mitchel,  
at the first Shop in Westminster  
Hall. 1663.

pointing it ; and it is so much allowed, so far fixed and established by the Laws, that he that shall any way engage against it doth so far engage against known Law.

2. Now until this be questioned, to what end do we trouble our selves any further ? All that is more then this is ~~ex~~ abundant, and hath no necessary place left in the Argument.

3. Yet of this, whereon the very hinge of the Controversie turns, you have spared the pains to take any notice at all.

## SECT. 2.

*The Original of Prelacy is not to be sought in Law.*

1. **I**N the second place I intimated, that it seems to me unreasonable to expect such proof, That the Government of the Church should be established by Law in such a manner as you seek for, *That it should have its Original Establishment in Law.*

2. For before, and at the first making of Christian Laws in this Kingdom, this Government was found existing ; and to have first destroyed this Government, and then again to have established the same by

by Law, would have been plainly *ridiculous*; which yet must have been done, in order to such an establishment as you require proof of.

3. It is acknowledged by Mr. Fox, Act. Mon. Tom. 1. pag. 148. that in *Elutherius* his time *An. Dom. 180.* when this Realm was first converted to *Christianity*, there were appointed in the same three *Archbishops* and twenty eight *Bishops*; and since that time the Government of the Church by *Archbishops*, *Bishops*, &c. hath been further established by *Magna Charta*, which hath been confirmed above 30 times by Parliament; and by the Statute called *Confirmatio Chartarum*, still in force, it was ordained, that *all Laws contrary to that Charter should be void*; and that *Bishops*, twice every year, should *excommunicate* all that did, either do or advise contrary to it.

4. The Government of the Church was at first founded in *Prelacy*; therefore so far as we are a *Christian Nation*, and governed by *Christian Laws*, *Episcopal Government* goes into our foundation.

5. I mean only it is so of the foundation, as to be from and in the beginning of *Church-Government* and *Christian*

*Laws among us*: I do not say, so of the foundation as to be *unalterable*, yet others do; however, it is not yet *actually altered*, and that is as much as the Argument requires, and to warrant that expression which I thought *augmentative*, though you pass it by *unnoted*, viz. that there is the *less reason* to expect that the *Power, Office, or Government of Bishops* should have their *origin* from the *Laws of the Land*, or that *the Child should beget the Father*.

## S E C T. 3.

*Church-Government is established by Law.*

1. **T**hirdly, I laboured to prove, that so far as a *Government*, that was *pre-existing* before the *Laws concerning it*, could be reasonably expected to be *established by Law*, the *present Church-Government is established by Law*: For,

2. First, the *Laws of this Land*, since they were *Christian*, have ever allowed it and taken it for granted (as having its foundation sufficiently laid before) upon all occasions; not only by those *special Laws* that particularly relate unto it, but indeed in *every Law* which

which expresseth the Consent of the *Lords Spiritual*.

3. Here you only catch at the weakest part about the Consent of the *Lords Spiritual* to the Acts of Parliament, leaving the strength of the Argument grounded in those many *special Laws* which relate to *this Government*, and apparently *allow* and *continne* it, without any exception or *observation*.

4. Yet I am not at all satisfied that the allowance and recording of their Consent to every Law, by the King, Peers, and Commons, is not a plain acknowledgement of *Episcopal Power* and *Government*.

5. Secondly, I affirm, That the present *Government* is established by *Law*, though not in its *Office* which was before the Law, yet in its *Political Power*, and the *Exercise* of it, in this Kingdom.

6. Therefore the several *Legal Names* of *Prelatical Governors*, with their distinct *Jurisdictions*, and the *Crimes* punishable by them, and the *Authority* allowed so to punish, and the *Fees* of their *Courts*, and the *Form* and *Manner* of *Consecrating Bishops* are found and founded in the *Laws* of the Land.

*A Review of*

7. In your Recital of this Argument you only mention the *Exercise* of this Government, and take no notice of its *Political Power* given by Law; and therefore your Answer is short.

8. But that this *Political Power* of Ecclesiastical Governours is settled and authorized by the Laws of the Land is most evident in that of the 24 Hen. 8. c. 12. & Eliz. An. 1.2.

9. By 24 Hen. 8. c. 12. *Jurisdiction* touching *Matrimony*, *Wills*, *Tithes*, *Oblations*, &c. is expressly given them; and it is added, that all such Spiritual Causes shall be from henceforth *beard*, *examined*, *discuss'd*, and *cleerly*, finally and *definitively adjudged* and determined within the *Kings Jurisdiction* and *Authority*, and not elsewhere, in *such Courts Spiritual and Temporal* of the same as the natures of the Causes shall require.

10. Note, That if the *Temporal Courts* have any *Authority* given them by *this Statute*, so also have the *Spiritual*; they are joyned together; *such Courts Spiritual and Temporal*.

11. The point of *Appeals* is also established by the said Statute; and *Bishops* are

are expressly authorized to receive Appeals from Arch-Deacons Courts; and the Arch-Bishops from the Bishops, with Authority hereby given them, or established in them, to put a final end to all such Controversies. You may reade the Statute at large.

12. Yet, I conceive, that of Eliz. 1. c.2. is more precise to our purpose, Where it is Ordained and Enacted, that all and singular Archbishops and Bishops, and every of their Chancellours, Commissaries, Archdeacons, and other Ordinaries, having any peculiar Ecclesiastical Jurisdiction, shall have full Power and Authority by Virtue of this Act, as well to inquire in their Visitations, Synods and elsewhere, to take Accusations and Informations of all and every the things above mentioned within the Limits of their Jurisdiction; and to punish the same by Admonition, Excommunication, Sequestration, or Deprivation, and other Censures and Process, in like Form as heretofore hath been used in like Cases by the Queens Ecclesiastical Laws.

13. Here, we cannot but see, not only the legal Names of Ecclesiastical Gover-

vernours, mentioned; but their po'iti-  
cal Power and Authority allowed, yea,  
formally invested and establish't in them  
to inquire, and to punish. To *punish*  
with Admonition, Excommunication,  
Sequestration and Deprivation, and all  
this by *Virtue* of this *Act*.

14. Had we nothing more to prove  
Episcopal Government to be established  
by law, but this very Statute, I cannot  
apprehend but that the work is done,  
and all Objections to the contrary for  
ever superseded.

15. Is here only a liberty to exercise  
a power given *them*? is it not express,  
that *Power* and *Authority* is also given  
*them*? 'Tis not declared, that they have  
*Power* and *Authority* by *Virtue* of *their*  
*Office*, or any other way; but it is *enacted*  
that they have *Power* and *Authority* to  
inquire and punish, &c. by *Virtue* of *this*  
*very Act*.

16. Yea, though it is intimated, that  
the *same Course* had been used former-  
ly; it is not *enacted only*, that this shall  
*continue*; but as if such a kind of *Objection*  
had been in prospect; it is *enacted*, that  
by *Virtue* of *this Statute* all these Eccle-  
siastical, *Governours* shall have full  
Power

Power and Authority to proceed in like  
Forms heretofore hath been used in like  
cases by the Queens Ecclesiastical laws.

17. While I read the Statute so ex-  
press and punctual in the Case, I know  
you will not blame me, if I wonder at  
your so frequent comparing the Govern-  
ment of the *Church* with Usury, and  
her *Governours* with Usurers.

18 I do not know of any Statute that  
gives so much countenance to Usury and  
Usurers, as to say, *be it enacted that pow-*  
*er and Authority be given to Usurers*, or  
that makes them a politick body, and  
invests them with *Government* over so  
much as their own *Tribe*, and in Cases  
peculiar to their own way, abuses and  
faults of Usury : Do not reflect so unbe-  
seemingly.

19. Thirdly, I affirm, that should we  
yield unto you that there is *no express*  
*Statute immediatly Authorizing Ecclesi-*  
*astical Governours*; yet immediately it  
cannot be denied, to be established by  
Law: I mean such Law as impowers the  
King to *Commission* and Authorize the  
*Governours* in the *Church*.

20. That the King hath such a power  
in him is manifest from the *Oath of Sn-*  
*pre-*

premacy. For being *supream Governour in all causes Ecclesiastical*, he is so over all persons Ecclesiastical, as to Commissionate all his inferiour Governours; therefore, they all, either mediately or immediately, receive their Commissions from him; which is, no doubt, Legal, in the Judgement of all that understand these *Protestant Laws*, that revolve the power usurped by the Pope, upon *Henry the Eighth*, and all his successors, in the Crown of *England* for ever. v. 26. *Hen. 8. c. 1. & Eliz. 1.* where you reade thus:

21. All *Jurisdictions heretofore lawfully exercised by any Ecclesiastical power or Authority for Visitation, Reformation, &c. are united and annexed to the imperial Crown of this Realm*: and that your *Highness, your Heirs and Successors, shall have full power and Authority, by virtue of this Act, by Letters Patents under the great Seal of England to Assign, Name, and Authorize persons to exercise all manner of Jurisdictions, and to Visit, Reform, Redress, &c.*

22. Your Answer is, this at most concludes but for the Governours, and not for the Frame of Government.

23. But

23. But do you not hereby grant as much as my Argument needs? For if the *Governours* of the *Church* are Authorized by Law; you owe them Obedience; and the Law in them; and your *Covenant* provokes you to disobedience.

24. Again, How can all the *Governours* be Authorized by Law, and not the Frame of Government too? He that by Law Commissionates all the *Governours*, doth he not thereby establish the Frame of Government?

25. Yea, where will you look for the Frame of Government, but in the Seat of *Governours*, and that according to the *Covenant* it self? You there engage against *Prelacy*; that is the Government of the *Church* by *Arch-Bishops*. &c. *Viz.* the several *Governours* of it.

26. You add the *Kings Supremacy* may exist in, and operate by other *Church* *Covernours*, as well as these.

27. I answer easily; that admit what you say, yet as no other sort of *Governours* can be Legally so, until the King Commissionate them as he hath done these; so this kind, *viz.* *Episcopal* Government, must of necessity continue to be

be Legal, until the King shall Commissionate others of another Method; or at least withdraw his Commission from these in the present form of Church-Government; if he hath power to do it by Law.

28. Lastly, I urge you, that this Government is plainly established by *Common Law*.

29. To this you say, that *Prescription* is a prior Fence to *Usurpation*; Usury hath prescription.

30. But how doth it appear that the present Government is an *Usurpation*: so weighty a charge deserves proof.

31. *Church Governours* are the Kings Ecclesiastical Officers; they have their power and authority to Govern, given them by *Act* of Parliament: this appears, but that their Government is *Usurpation*, appears not.

32. To make good your charge, two things require proof. First, that *Episcopal Government* was an *Usurpation* at first. Secondly, that it is so still, and that it hath not obtained a good Title in law, all this while.

The Statutes now mentioned prove the present Title of it. And *Magna Charta*

*Charta* is a sufficient Evidence, that so long ago it had Legal Authority, and was no Usurpation.

33. I rather mention *Magna Charta* here, because, it is accounted *Common Law*, and adds much strength to my Argument thence, and from long continuance: Especially, seeing there is much for the *Church and Bishops*, but nothing for Usurers and Usury to be found in it.

34. The *Plea*, that *Magna Charta* is in behalf of the *Abbots* at well as *Bishops*, hath nothing at all against us.

For *Abbots* were since abolished by law, so were not *Bishops*. We are not arguing that *nothing* confirmed by *Magna Charta* can be lawfully altered: but that Episcopal Government confirmed by *Magna Charta* is established by that Law, and not removed by any other.

35. Yea, this *Objection* answers it self, and all the rest of its Company; and yields us an Argument that might pass for an *Instar omnium*.

*Abbots* and *Bishops* were both confirmed by the Law of this Land. *Abbots* are removed by Law, and not *Bishops*; and in the Law, *exceptio firmat Regulari in non exceptis*; and therefore the Law that removed

removed the *Abbots*, did establish the *Bishops*: and thus Episcopacy is established by Law.

36. But are there not *State-Officers* that had not their *original* in the *Statute-Laws*, but only in the *Common-Law* of this Land, (as hundred-Constables and *Crownets*, &c.) will any say, that *these* are not established by law? These were before the known written Statute Laws, and so were *Bishops* in *England* before any Christian Laws.

37. Indeed, methinks, the very Concessions of your selves, Mr. *Crofton*, yea and of the two Houses of the Long Parliament, is as much as my Argument and the Government of the Church can stand in need of.

P. 28. 19. 38. You grant in one place of your Book, your *selves*, that the Government of the Church by Prelacy, is not onely limited, restrained, regulated, but directed; yea, in some things authorized by the *Kings* Laws. I think you will hardly say Usury is so; or that any thing Authorized by law can be destroyed, but by law: And that sufficeth my Argument.

39. Again, methinks, Mr. *Crofton* decides

cides the Controversie against himself in his *Berith Anti-Baal*. p. 25. There he chargeth the late Bishop of Exon, because he pleaded for the *Jus Divinum of Episcopacy*, that he did confront King and Parliament in what all their Statutes declare to be their own creature and constitution even from the Statutes of Carlile, and the 25. of Ed. 3. declaring against the Pope, that *Holy Church was founded in Prelacy by their own Donation, Power and Authority*.

40. Now, I conceive, this was never said of Usury, or indeed, of any thing not established by Law. For how is this *Donation, Power and Authority*, put forth in framing this *Creature and Constitution of Parliaments*, but in *Acts of Parliament*, that is, the *Laws of the Land*.

41. If there be any doubt, what judgment the two Houses that imposed the Covenant, had touching the Legality of the Government of the Church of England, we are satisfied of that, by their Applications to his Majesty for the extirpation of it, at the Isle of Wight.

42. Their words are these: for the *Abolishing of Episcopacy* we take leave to say, that it is not the *Apostolical Bishop*,

which the Bill desired of your Majesty, intends to remove; but that Episcopacy formerly was established by law in this Kingdom: Again, onely to pull down him by law who was set up by law.

43. Note first, that the Long Parliament did not doubt, but that Episcopacy was establish'd by Law. Secondly, that the imposers of the Covenant did extend the fence of the Covenant against that which was established by law. Thirdly, that yet in their own Judgment, that which is set up by law is not to be pull down without law. These things they saw, at last, though their many years practice before had contradicted them, *vid. Biblioth. Regi. p. 350.*

## CASE XII.

*Whether the Covenant can oblige against a Future Law.*

You deny that Episcopal Government hath received any more express Establishment by the Acts of Parliament since the Kings Return, then it had before; but I cannot find, that you say, it hath received no Establishment thereby, onely that its establishment is not more express in the new laws,

laws, then it was in the Old ; but that I need not dispute, *and to be diffidit f* :  
2. The Establishment of Episcopacy, was express enough in my judgment before ; and if the new law be found to establish it at all, my Argument is not interrupted.

3. And truly, methinks, after 20. years shaking, and almost Ruinating, we may fairly count the laws, that restored this Government upon its *leges* again, and not only to its quiet and safety, but to its liberty, and power of exercise, should deserve the name of Establishing laws ; and the Government be thought to be Established by them, though it stand upon an elder *Basis*, which I never denied.

4. Besides, for a law so far to encourage and Countenance of Government that was troden under foot so long together, as to punish all kind of *disobedience* to it, is plainly to re-establish the same.

5. I might add, we see the King, according to law and his own *Supremacy*, hath fill'd the Church again with all the several sorts of Ecclesiastical Officers, and hath set again the whole Frame of Government in the very terms of the Co-

nant over us : and thus the Government is Established by law, diametrically against the Covenant: and then surely the Engagement of the Covenant is as opposite to the law as it is to Episcopacy.

6. Consequently, whether the *Act of Uniformity* doth precisely prohibit Endeavours against this Government, or not, (upon which Argument I cannot but acknowledge you are very ingenuous.) Other laws require obedience to it, that were indeed made of old, but are now renewed and reinforced by these new laws.

7. Therefore, the Covenant can not oblige us against this Government, but it doth equally oblige us against these new laws: which to do, I have at large proved to be sinful, and you have said nothing at all to disparage my Arguments.

8. You intimate, your labour is saved in that point; and you need not discuss how far an Oath may bind against law. But truly, to me this seems to be your proper work; and that you have questioned the wrong Proposition all this while. I cannot satisfie my self, that what ever you pretend, that you doubt the legality of Episcopal Government.

9. The Exceptions of the Antagonists  
you

you methinks are answered before : and I have no more to doupon this Case, but to note one Expression of your own in the close of it.

10. You seem to fear *Atheism*, in that which only serves to *Vindicate God* against our selves. His Authority in his Sovereign pre-obligations upon us, against and after-Obligations contracted by our selves, though by way of *Oath* and *Covenant* to the contrary.

11. I cannot but believe that Gods preobligation upon us, to obey Authority in *lawful things*, is so firm and indissoluble, that no *Covenant* of ours to the contrary can make those things *unlawful*, or warrant *disobedience* therein.

12. This I assert, though our *Covenant* precede the *laws*, requiring such *lawful things*, which needs must pass with abundant Evidence; If these *after-laws*, as you affirm, do only revive and reinforce those *Aucent laws* that had obliged us to the same things before we *Covenanted* to the contrary.

13. Now this methinks, should have more *Piety to God shining in it*, upon the eyes of such as read and consider, then to be capable of the *suspition of Atheism*,

*Atheism, or Irreligion, though I charge  
not the contrary with what you fear,  
Treason or Sedition.*

14. There is nothing said by you on the thirteenth and fourteenth Cases that doth not either consent with me, or is not answered already. I pass to the fifteenth Case.

### CASE XV.

*Touching the word [Endeavour] and the  
sense and force of it in the Covenant  
and in the Act.*

1. Touching the word [Endeavour] I conceive you ought to have sweat more; for though you find much fault with my endeavours about it, yet I can find very little correction or amendment.

2. I cannot think it my task to deal with you as Censors, but as Disputants; or to answer your passion, but your reason; now the sum of what you say rationally hereupon is shortly this, That [endeavour] is general and indefinite both in the Act, and in the Covenant; and that endeavour is *sui juris* to the meanest Subject.

3. And this you repeat only as the sense

fence of the *Covenanter*, without any Answer to the Argumentative part of my Discourse, which I cannot but mind you was your proper concern.

4. Indeed you thide me with some heat, that I had not given you any Etymologg, acception, or interpretation of the word [endeavour]; but if you measure the success of your own attempt therin, you will easily excuse my omission of it.

5. For what degree of advantage hath accrued to your selves, your Cause, or your Reader, by your Latine, Greek, and Hebrew rendition of the word *endeavour*? yea, your selves had just before intimated, that the English word [endeavour] is a word easie and plain to be understood; neither have you better explained it by its Latine, Greek, or Hebrew, or by any Etymologg or Acception at all, more then I had done.

6. I confess you say something as to the Interpretation of it; and so, I think, I did, beyond what you take notice of in your *Survey*, which provokes me to trouble you with a *Review*.

## SECT. I.

*endeavour is distinguished.*

1. You note (I say not with a *black*  
*and* *evil character*) that I assign some *spe-*  
*cial acts* by which *endeavour* may ope-  
*rate*; but to assert, that *endeavour* may  
*be either private or publick*: and *these*  
*less or more publick*; and to add expli-  
*cations and instances of all these* (as you  
*know I did*) is doubtless more then only  
*to pitch on some special acts of endeavor*:  
*for thus you have the kinds and the mo-*  
*dification, as well as the acts or operati-*  
*ons of it.*

2. Moreover, you know I gave you  
*the application of them also*: I say, first,  
*That though in a general and unusual*  
*sence our private Prayers to God may*  
*chance to called endeavours*, yet they  
*are not so, either properly, or in any*  
*usual way of speaking, by the Covenanter*  
*themselves, nor to be presumed to be*  
*struck at, in the Act, by the Magistrate,*  
*who Governs Kingdoms and not Closets.*

3. Again, I offer, That it is hard to  
*assign any other kind of endeavour* (if  
*private Prayer be any) for the extirpation*  
*of Government that is pure and simple,*  
*and*

and without all sinistre of Sedition and Danger to the publick; or if there should be any such found, I humbly conceived the Civil Magistrate cannot be Rationally thought to intend them in the *Act*, there being no danger in them, and the Nature of them not properly under his Cognisance.

4. Now, my Brethren, judge whether it had not been fair for you, upon this notable nick of Controversie, to have entred into a clear Debate of these things? did it not become you, either to shew the Defect of my Enumeration, or at least, to evince that some of the wayes of endeavour, by me pretended to be unlawful, to be good, just and lawful, and in our own power? and then to have convinc'd us, that some of those lawful endeavours are such as are plainly intended by the *Act* of Parliament? this, I presume, was your work.

5. Indeed, skipping over what is nearest, you say, you will go to the utmost: and here you demand, is it not possible for those very *Acts*, which bear in my eyes the worst Aspect, to become lawful endeavours?

6. But, my Brethren, is there no difference

ference betwixt what is so, and what may become so? that which is possible only, is not so much as future much less present. It is certain, *What may be therefore is not*: and when it is affirmed, that such a thing may become *lawful*, it is thereby granted, that that thing is now *not Lawful*.

7. To affirm therefore that such Endeavours *may* become *lawful*, is to condemn them as *unlawful* at present: and consequently, that we cannot be bound unto them by the Covenant. Now observe it, you are not required to declare that there *never may*, but for the present, there *now lieth*: or in the present tense there *lieth no Obligation upon us* therunto.

### SECT. 2.

*Of the Acts of Endeavour justified by my Brethren.*

1. Give me leave also to come to the utmost with you; my Brethren; and to ask you, what those endeavours or acts of endeavour are that you insist on: I mean, that not only may become lawful, but are so, as a present Bar against your Subscription.

2. You

2. You seem to grant, that for a Minister to preach, a Lawyer to plead, and the Soldier to fight against Episcopacy, are at present unlawful; for these, you say, may become lawful. If you indeed think there are any such as are square to Rule, in all points justifiable and lawful, it is much you named them not; without this you have done nothing: *In generalibus latet dolus*; and the word Endeavour is but a Bug-bear.

3. Is it not safe to mention them? however, it is duty and necessary; but surely that cannot be the reason, seeing you began with so much confidence in the English Genius; and have found out ways to insinuate things more obnoxious.

4. Therefore, though in this most fit and proper place you do it not, yet in another you make my Antagonists to serve the turn. In p. 28. I finde these words: *The Covenanters* (say you) will tell me, there are Acts of Endeavour for Extirpation other then what I mention; such as Theological disputation, submiss supplication, popular groans, or complaints of grievances, by and under it, which are consistent with submission to it while existent.

5. My

*A Review of*

5. My Brethren, I must needs acknowledge, I took great Content and satisfaction to my self from these words; not doubting but you knew how to express our Covenanting Brethrens minds, in the point, and that you do it truly.

6. Their Judgment soberly, it seems is this; They hold themselves bound by the Covenant to Endeavour to extirpate Episcopal Government, by no means that are inconsistent with submission to it, whiles existent.

7. This I look upon as a very great Concession from the rigour of former Principles and Practices; and a fair step to a good agreement betwixt us which the Good Lord proffer.

8. For, hereby, you seem to grant 3. things of no small concern in the Controversie.

1. That they can submit unto Episcopal Government, notwithstanding the Covenant: That is, I presume, they can *Act under* it in several places, and *obey* it in things lawful: otherwise, they do not submit unto it, as a Government.

2. Therefore, they grant, that Episcopal Government is not an unlawful Government, or sinful of it self, or by the Word

Word of God; otherwise, I believe you would not so far own it, as to obey it, or submit unto it.

3. That if they can find out no such Endeavours against *this Government*, intended by the *Act*, as are *consistent* with *submission* to it while existent, and liable to no other just exception, we are agreed. For then you may declare there lies no Obligation to *such Endeavours* as are not; *de non ente non est Obligatio.*

9. Now, we are so near; suffer me to reach you with a word or two of serious advice, that you would bestow a few thoughts upon the following inquiries.

1. Whether, if the *Government* of the Church be not *sinful*, by the Word of God, it be not necessary to us, by the *laws of the land*, the *Oath of Supremacy*, and *secundario*, by the *Laws of God*?

2. Hereupon, it is further worthy our inquiry, what Endeavours to extirpate *this Government* thus necessary are *sui Juris* to every Subject? I do not say to Reform, but to extirpate it.

3. Thirdly, Admitting the *Moderate* sense of some Covenanter, that the Covenant doth not intend an *Extirpation*, but a *Regulation* of this *Government*; Whether

whether the Declaration be not reconcilable with the Obligation hereunto; seeing there we declare that we are not obliged to change or alter; nor to reform this Government.

Lastly, take the sense of the Object how you please, it may be queried, whether you have not done your endeavour; after so long and strenuous Endeavours against it almost 20 years before, and several years since the happy Restauration, we find the King, the Peers and People of England in Parliament, have sufficiently declared, that it shall not be extirpated?

So that, to reason, there now appears no further hope of effecting our endeavours; and consequently the Obligation thereunto ceaseth, by the Rule, *Nemo Tenetur ad impossibile.*

To Pardon this digression so fairly occasioned; and I now hasten to examine those several *Acts* of Endeavour, which you have, in the Name of the Covenanters, proposed and Judged to be lawful. Theological disputation; Submission supplication; popular groans, and complaints of grievances by and under it; of them in Order,

S E C T. 3.  
Of Endeavour by popular groats  
and complaints.

1. IN order to a true Judgement of the lawfulness of these Acts of Endeavour, let us take a glane of the object of them as you have proposed it; you do not say the Government it self, but grievances by and under it.

2. First, then, for grievances under it, they may be redressed, without the utter Extirpation of the Government it self.

3. Again, we are not required to declare that we are not bound to endeavour to remove them; it is a change of Government, in the Act, and Extirpation, you say in the Covenant, and notes a Reformation, or Redress of grievances only.

4. Secondly, for grievances by it, I Ask, whether you intend such grievances as flow from the Nature, or such onely, as happen upon the abuse or Mal-administration of this Government: if you say, such as flow from the Nature of it, then you must prove Episcopal Government to be evil in Se; which I think you will not undertake; but if such as flow from Abuse onely, you are not held

*held from Endeavouring against them.*

5. If you yet doubt, whether you may not Endeavor against the Government it self, let us proceed to Examine particularly the *Acts* of Endeavour specified by you: *Disputation, supplication, groans, or complaints.*

6. For the last sort, *groans*, and *complaints*, I cannot understand, how these can be provoked, but where there is burden and grievance to be groaned under, or complained of.

7. That the Government it self is so, you do not say, much less evince: if it be found so, by *Male-administration, Complain for me, and spare not*; so you do it regularly, and not tumultuously.

8. Yet, I must needs observe, that *groans* and *complaints* under a Government must carry sedition in the manner of them, or else they cannot, properly, or without very much straining, be called *acts* of Endeavor for the extirpation of it.

#### S E C T. 4.

##### *Of Endeavour by disputations.*

1. A Second sort of *Acts* of Endeavour, specified by you, are *Theological Disputations*; but these, Neither,

ther, are Endeavours properly and directly so called, as to the end intended.

2. For in such *Disputations*, who knows not, but, as *Opponents*, we may dispute for *Papery*, or any other *Heresie*: by such *ventilation*, the *truth* believed in the *Church of England*, is intended to be *vindicated*, and not *destroyed*.

3. Neither are such *disputations* any *Motion* towards the *Extirpation* of *Episcopacy*, with the *persons* that have *power* to do it: seeing our *Governours* receive no *Applications* or *Impressions* by them.

4. Neither, is it the *proper Intention* of such *Scholastick Disputations*, to work upon our *Governours* to that end, who are *no way concerned* to take notice of them.

5. Yet, admit they were: let me beseech you to propose after what manner these *publique Disputations* are to be managed, as *Endeavours* for this end.

6. Consider, what will you dispute against? the *Lawfulness* of the *Government*? I am confident you do not believe it to be *unlawful*; either, by the *Word of God*, or the *Laws of the Land*; for you say, you bear affection to *Episcopacy*; yea, such affection to it, as that you would have passed by the *Objects* of this *Covenanted Act*.

*A Review of*

7. Give me leave again ; what will you dispute for ? the *Extirpation* of *E-piscopacy* ? how can this Consist with your *Affection* to it ? or what *Arguments*, what *weapons*, will your *Affection* to it strike it with, to Ruine and destroy it ?

8. Besides, when such *Disputation* appears to design and endeavour the *Extirpation* of the Kings Ecclesiastical Government, who see's not *Manifest Sedition* in it ? to say no *Worse*.

9. Especially, when the *Supream Government* hath openly and freshly, even just now, declared *Their Will* to the Contrary, by Restoring this Government, in all it's Officers, to it's former Authority and Priviledges against all Endeavours for it's *Extirpation*.

Lastly, would you dispute onely for a *Reformation* of it : this is not a *change* or *Extirpation* : and not concern'd in the *Declaration*, as I have often noted.

13. But you are ready to say, there is a *Submiss Supplication* : and this is properly *Endeavour*, and *sui Juris* to every *Subject*.

11. Upon both these branches I must demur a little ; for indeed, here lies the stress of this *Controversie*, and the strength of

Sampson ; but it must be better proved,  
1. That Petition is Properly Endeavour,  
and in the sense of the Act : and 2. That  
Petition to Extirpate Government is *sui  
Juris* to every Subject. I shall Examine  
them distinctly and seriously : for if either  
of these fail, your hair is off.

## S E C T. 5.

*Whether to Petition be to Endeavour pro-  
perly, and in the Act.*

1. I Cannot so easily grant it, as you  
take it for granted, that to Petition  
another to do a thing is to endeavor to do it.
2. We know, that Petition or prayer  
to God is Ordinarily distinguish'd from  
Our own Endeavours for the same thing  
we pray for.

3. Neither, is there more reason to con-  
found our Petitions or prayers to such  
men, as are called Gods, with our Own  
Endeavours : especially, considering, that  
the things we Ask of God, are capable of  
our Own Endeavours ; yea, if it be for  
gaining or increasing of grace or peace,  
our prayers, are a means not onely of asking  
but of effecting the same ; but to alter law  
and government is a thing of that  
nature, that we can onely ask it ; we can

Act no further towards it: all the work for the effecting of it belongs to our *Governours*; put any *Familiar Instance* with your selves, and resolve the *double*: will you say that the *Childe desiring his Father to wind up his Watch* is the *Childs Endeavouring the winding it up*: or to *wind it up*.

4. I can easily *Consent*, that *Conatus* is not *effectus*: yet you acknowledge it, is a *motion towards the Effect*: which you call a *Natural power*: and I doubt not we agree, that *Conatus* hath essentially in it a *Natural tendency and operation towards the effect*, *Endeavoured*.

5. Now simple and bare *Petition* or *submiss supplication* hath not so: it hath indeed a *verbal motion* for the thing *desired*, but no *real Operation* or *Natural Motion* towards the *effecting* of it.

6. The *subject*, by *Petition*, doth *desire* it; but the *Parliament* in all those *legal methods* of *debating*, *voting*, *committing*, *engrossing*, &c. do properly *endeavor* the *Abolition* of any thing *legally established*.

7. Truly, I soberly discern this distinction of *Petition* and *Endeavour* both in the *Covenant*, and in the *Act of Uniformity*.

8. The Covenant saith, we shall Endeavour the Extirpation of Prelacy: not desire, or perswade, but Endeavour it: Neither can you possibly perswade your selves, that such as then imposed and took the Covenant did at first intend such Endeavours as you mean, who took other courses, you well know, to effect the same.

9. It is added, Constantly and zealously: must we be always zealous and hot in our Petitions: must we perpetually solicit the King and Parliament with our supplications? this will hardly consist with submiss Supplication.

10. Indeed it is plainly Seditions in it self, take Endeavour in your own sense, publiquely to engage by Covenant, zealously, and constantly to Petition the Alteration of Government: this is, to declare to the World, that we will never be quiet under it.

11. Thus, also, it is in the *Act*: we are to declare, there lies no Obligation to Endeavour a change: it is not said, that we shall not Petition that others may Endeavour it.

12. Rational Endeavour implies, that the persons endeavouring have probably a power to effect: but it is certain, before  
K 3 hand,

hand, that, without the *Supream Legislative Power*, the *Subjects* cannot effect the Extirpation of Episcopacy: therefore they cannot rationally or lawfully endeavour it: therefore if they promise or *Covenant* so to do, it is sinful; and they may lawfully declare they are not obliged unto it, that is, to endeavour what they have no power by Law to do: neither can the *Act* be thought to intend any more: *Stultum est Conari quod nequeas efficere.*

13. Lastly, If *submiss supplication* be yet thought to have any spice of endeavour in it, it cannot be rationally thought to be intended in the word, endeavour, in the *Act*; you observe that *Endeavour* in the *Act* and in the *Covenant* are of one measure, and it is too evident there was more in endeavour in the *Covenant* then meer Petition and submiss supplication, which ran us upon those sad consequences that in all reason the Intention of this new *Act* is but to secure us from: you say to make *Laws* against simple Endeavor is certainly destructive to the Liberty of the *Subject* and Priviledge of *Parliament*; Methinks then, you should not apprehend such a simple and bare endeavour is to be disclaimed, as is essential in your own Judge-

Judgements to the liberty of the Subject  
and priviledge of Parliament.

SECT. 6.

*Whether to endeavour, &c. be at all times  
sui Juris to every Subject, &c.*

1. I Cannot yet consent, that to endeav-  
or to alter the government of the  
Church, is at all times, or at this time,  
sui Juris to every, or to any, Subject; or  
indeed to any person in the Nation, to  
speak home.

2. The King is the proper Judge of  
what Government is fittest for the Church,  
both as he is Supream Governor over it;  
and as he is the Head of the Parliament.

3. As he is supream Governor over the  
Church of England, he is supream Judge  
in all Causes; into whom the last Appeal  
resolves: and consequently, he is supream  
Judge in this of the fitness of the Govern-  
ment of the Church, unto whom the last  
Appeal for a final & definitive sentence  
and determination is only to be made.

4. Again, as he is Head of the Parlia-  
ment he is no less. For though the 2 Hos-  
es be also Judges of the fitness of the Go-  
vernment, yet still, with submission and re-  
servation to the highest Judge thereof,

K 4                    their

their Sovereign Lord the King; who hath a Negative upon both Houses, and gives life or death, with his own word, to any Bill tendered to him.

5. So that in matters Legally existing, the King hath this great advantage above his 2 houses: the King hath power of himself to continue the existence of any such thing, without his two houses; that is, whether they will or not: and they cannot remove or abolish any such thing without the King, or whether he will or no.

6. Suppose it be granted, that the people may petition, & both houses may proceed so far as to frame a Bill against a Government absolutely considered, and without respect to any Prior Obligations by Oath, or otherwise, upon the King; and tender this unto the King, in Order to the extirpation of the same: yet if the King refuse to pass the Bill, that Bill so once rejected cannot be revived, during that Parliament: neither may any person, in either house, so much as move it any more, by the laws of Parliament; which nothing can warrant against, but the necessity of the things so to be revived upon the Word of God,

7. The same Reason persuades me, that

that when both *King* and *Parliament* have, by fresh law, declared *their dissent* to alter the *Government* against *all endeavours used to that end*; (and so they have done by the late *Statute* for its *restoration*) then, we the Subjects cannot be bound any longer to endeavour it, if we were bound before.

8. To be bound, still to vex the *King* and *Parliament* with perpetual repetition of Petitions, to remove a Government which they have, & still do signify they will not remove: yea, which they do *signally own* and ratifie so much the more; is to be bound to go contrary to authority as well as Law, to trouble the peace of *Church* and *State*, and the Government over us; and indeed, to endeavour or labour in vain, all hopes of prevailing being taken away: *at postquam palam defterata est, & constat fieri non posse, cessat obligatio, ex jam dicto fundamento, quod Nemo Teneatur ad impossibile.*

9. This must needs pass without all controll, if we add to the consideration that the *King* is known to be *born to*, and bound to take an *Oath*, by the very constitution of the *Kingdom*, to maintain and defend the *Government* in question, as he is *King*.

10. It

10. It hence irresistably follows, that the King cannot take a *previous Oath* contrary to his *Coronation Oath*, but he thereby violates the very *constitution* of this Kingdome; and there is an *Obligation* upon him to defend, and to swear to defend, before any *Covenant* that may be taken by him to extirpate Episcopacy.

11. Yea, the King cannot be bound to endeavour to extirpate Episcopacy, by any such *previous Oath*, seeing such endeavours cannot consist with the Tenor of his *Coronation Oath*, to protect and defend the Bishops: and if he should be tempted to take such an *Oath*, against the Bishops, it is void *ipso facto*; for as he was born Heir to the Crown he was born Heir to the *Oath of the Crown*, and bound (as King) to take it.

12. I need not say the *Coronation oath* is *unalterable* in this *particular*: it is enough, that it is not yet altered, and that it cannot be Legally altered, but by *Act of Parliament*: I am sure, you will not say the King, much less before he is Crowned, hath *power of himself*, or with any others besides his *Parliament*, to make or diminish or alter any *known Law*, especially

specially that which so much concerns his peoples interest & security, in the oath to be taken at his Coronation.

13. Pray, therefore, observe & weigh this Consequence ; if an oath taken by the King to the contrary before hand, doth void the *Coronation Oath*, required by Law, then the King by a *private Oath* may equally bind himself to endeavour to destroy the privileges of Parliament, the liberty of the Subject, and the other great concerns of *Magna Charta*, as well as to extirpate Episcopacy ; and his *Coronation Oath* taken afterwards, would not at all oblige him to govern by the *Laws of the Land*. I argue not, now, from the necessity of the things, but from the Obligation of the *Laws* and *Oaths* taken by the King about them.

14. The *Coronation Oath* is part of the Inheritance of the Crown, and all the Subjects in their several capacities are equally concerned in every part of it, as Subjects : for if we allow its violation in any one part, we let go our security in all the rest.

15. Moreover, 'tis certain, that though where the Conscience judgeth the matter of a former Oath lawfull, the Conscience

ence is bound against any future Oath to the contrary; yet if the Conscience be convinced or fully perswaded that the former oath was sinful in the matter of it, and doth take upon it a new Oath to the contrary; in such a case the latter oath binds the conscience.

¶. 16. Now it is open and plain to all the world, that (seeing the King hath taken his Coronation Oath for to defend the Bishops & passed those Bills for the protection and preservation of Episcopal Government; and by his other protestations and practices of the like nature;) his Conscience will not suffer him to destroy Episcopacy, but dilitates to him that endeavours so to do are very sinful.

17. Surely, the King cannot be bound to endeavour against his Conscience, more then to you against yours; much less against his Conscience bound by an Oath his solemn Coronation Oath; the bond of his Fidelity, and peoples security: this hath taken hold upon him, and invincibly tieh him under such conviction, to preserve his Conscience, and his oath, and Episcopal Government.

18. In all charity and duty we are bound to judge according to all this appearance

pearance; and I cannot imagine that *any man* doth scruple whether the King be in His Judgment for *Episcopal Government*, against all the evidence He hath given us of it.

19. So that the *Objection* of the *single Person* is removed beyond all suspicion; and seeing we are not to declare what things are in themselves, but what *we* judg them to be, who can possibly stick to declare, That he holds the *single Person* is not bound by——to endeavour the *extirpation* of *Episcopal Government*.

20. Now, for *any other Person*, whether the *Lords* or *Commons* in *Parliament* or *inferior Subjects*, how can they, or any of them, be bound, think ye, to endeavour to make the King sin, and in so high a manner as to violate His *Conscience*, and His *solemn sacred Coronation Oath*? without which he cannot consent (as His Royal Father proved with His Life) to the *extirpation* of *Episcopal Government*.

21. *Consent*, I say, much less *Enact* it; and yet without both it cannot be *legally* done; neither can any *endeavour* it in any *lawful* way, but by desiring and labouring to perswade the King thus to

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Consent and Enact against Oath and Con-  
science.*

22. But lest it should be doubted, whether the King doth swear to defend the Bishops: give me leave to subjoyn an Account of that Solemn proceeding, at the Coronation; so far as it relates to our Argument, and I have done with this great part of my Task.

23. I find the Account thus, wherein, I think I am not Mis-informed.

24. After the many other gracious promises which the King makes to his People; One of the Bishops reading to the King before the People, concerning the Canonical privileges of the Church, and beseeching him that he would be the Protector of the Bishops and the Churches under their Government; The King Answereth in these words: with a willing and devout heart, I promise and grant my pardon, and that I will preserve and maintain to you, and the Churches committed to your charge, All Canonical privileges, and due Law and Justice: and that I will be your Protector and Defender, to my Power, by the Assistance of God: as every good King in his Kingdom, in right, ought to Protect and Defend

fend the Bishops and Churches under their Government.

25. Then the King ariseth, and at the Communion Table makes a Solemn Oath in the presence of the People, to Observe the premises, and laying his hand upon the Book, faith, the things which I have before promised, I shall perform, and keep: So help me God, and the contents of this Book.

26. Now, who can think himself, or any other person, bound by any Obligation whatsoever, to Necessitate ( so far as in them lies ) His Sacred Majesty to Violate His Oath so Solemnly Sworn at His Inauguration ?

### C A S E . X V I .

Whether the Covenant be not against the Liberty of the Subject.

1. I Must still assert, the Liberty of the Subject was apparently violated by the Ordinance for the Covenant: seeing the Free-holds of so many Several persons and famous Corporations were thus invaded; while the Persons and Corporations so deeply concerned had none to Represent them in either house of Parliament, when that Ordinance passed.

2. This

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2. This was the Emphasis of my Argument, which you little observe, and much less answer.

3. I am still of the mind, in my coldest blood, that without Respect to some proportionable demerit, it is not *sui Juris* to the King, or Parliament, to destroy any person or publique Corporation; or to deprive them of their legal Freeholds, especially whilst their Representatives are kept out of Parliament: it being against common Justice, and the Liberty of the Subject, in *Magna Charta*.

4. To conclude, admit Mr. Crofion do truly Recite the words in the Petition of Right, [whereas many of them have an Oath administered to them, not warrantable by the Laws and Statutes of this Realm] yet my Assertion stands firm enough, that the Covenant is against the Petition of Right.

5. For, it is not warrantable by the Laws and Statutes of this Realm, whether you consider the manner of imposing and taking, or the very matter of it, as hath fully appeared before.

6. 'Tis true, Oaths are given by Colledges, and Corporations: but are they not warrantable by the Laws, and Statutes

tutes of the Realm? if not, I am not afraid to infer, that such as impose them run, thereby into a premunire; if they are, then my argument passeth untouched.

7. Indeed, these particular Oaths are not, in so many words, found in the Statutes; yet who doubts, but that the King hath power by the Laws of the Land, to grant such Charters, and to give Authority to Colledges and Corporations to Administer such Oaths?

8. Again, who can, or dare lay claim to such a power, but the King: or Administer such Oaths, without power from the King; much less against his Express will and Proclamation?

### C A S E XVII.

*Whether the Covenant be not against former Obligations.*

1. I Conclude it is so, and therefore, void: the force of the Consequence cannot be resisted in those excellent words of our great Casuist. *Obligatio Antecedens impedit effectum Juramenti Subsequentis, ne possit Obligare: Semper enim Obligatio prior prejudicat posteriori, & Irritum facit omnem Alium inducitum novae Obligationis sibi Contrariae.*

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2. I assume, there were three strong Cords and bonds of God upon us, to the Contrary, before ever the Covenant was taken or thought of; to Obey Authority: to keep our Oaths and promises: to Serve the Church in Our Generations; which we shal now review in their order.

## S E C T. I.

*Whether the Covenant be not against the Law of Obedience to Authority.*

1. You would perswade us, that I affirm this onely upon my former Principles, because the Covenant is against the Rights of the King, the Laws of the Land, the Priviledge of Parliament, and the Liberty of the Subjects: which, you conceive, are all laid in the dust

2. Perhaps, you may find these Principles more potent and vigorous in their Resurrection: however, though I had a General Reflection upon these former Arguments; yet, I added a particular force to the present Argument, (which, having raised a Dust, it seems you did not see,) in these words.

3. More particularly, God first Obligeth us to be Subject and to obey our Governours; and the Covenant would engage

engage us to *disobey, disown, and destroy them*: (I mean our Governours in the Church) the Covenant would *discharge us of our obedience, and oblige us to Resistance, Contrary to Gods express obligation upon us, which cannot be.*

4. God doth immediately by his *Word, and likewise by the Mediation and interposition of Civil Authority, command us to obey, to be subject, and not to resist our Spiritual Governours, the Covenant would engage to break all at once; and at once to violate the Laws of God, the King and the Church, and all Authority.*

5. Our duty is positive, to be subject, 2. Negative, not to Resist; whosoever resisteth the power, resisteth the Ordinance of God. — Wherefore we must needs be subject for conscience sake. Rom. 13. Now both these are broken by the Covenant; the one by omission, the other by commission

6. First, Our positive duty of *obedience and subjection carrieth in it, by Universal Consent, to defend, preserve, to honour, observe, and to be faithful to our Governours; now how these are inconsistent with Endeavours to Extirpate, I cannot see.*

7. Again, Our Negative part, or Non-resistance, is transgressed too : by the Apostles Logick, not to be subject, is to Resist : whosoever Resisteth --- wherefore we must needs be Subject : however, to Endeavour to Extirpate, is too plainly to Resist.

8. For Endeavours to Extirpate a Government are both far beyond the compass of Subjection, they being no part either of Active or Passive Obedience ; and deep in the Nature of Resistance, most properly taken.

9. Endeavours to Extirpate have Action in them, and are therefore more then passive Obedience : their Action also is Diametrically opposite to Active Obedience.

10. Again, Endeavours to Extirpate do formally carry Resistance in them : yea, they are the formal Act of high Resistance, not of the Law onely, but of the Government it self : not in the Action onely, but in the very being of it : for Extirpation is the end and utmost of Resistance ; and therefore, Endeavour to Extirpate is properly resistance.

11. Pray, resolve me, to what part of our Duty to our Parents will you reduce  
Endea-

Endeavours to Extirpate their Government over us : or how can such Endeavours square and Conform to the Commands of God , and the *Laws* of the Land , Not to *Resist*, but to be Subject to our Governours , Ecclesiastical and Civil ?

12. 'Tis vain to say, we are bound to obey he *laws*, yet we may Endeavour to have them changed : It is not safe to Argue from the *Laws*, which are but the *Rule*, to our Governours, who are the object of our obedience .

13. If this consequence be Good; upon an *Oath* taken of the like Nature, against the *civil power*, we may hold our selves bound to Endeavour to Extirpate both King and Parliament .

14. For *Government* by *Monarchy*, and the *Constitution* of *Parliaments*, you will not say, they are in themselves Necessary to our *civil State*; and if, because *Episcopacy* is doubted to be *Jure Divino*, you conclude it *lawful* to *swear* against it ; or having so *sworn*, to Endeavour to Extirpate it, I dare not undertake to find a way for the *civil Government* to escape the *danger*: the *Inference* is easie, from *Government* to *Go-*

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vernment ; though the one be in the Church, and the other in the State ; especially seeing we cannot resist the one, and not disobey the other.

## SECT. 2.

*Whether the Covenant be not against  
Former Oaths and Promises.*

1. **T**HIS I also affirm, and consequently, that the Covenant was prevented by such *Prior Obligations* : the Case is fully stated in these words of our Reverend Casuist. *Si cui Juramentum suscipiendum defereratur, continens aliquid quod Obligationi priori sive Naturali sive adquisitæ adversatur ut si adversetur officio, quod parenti debetur aut principi; vel si repugnet ei quod Ante licet juratum fuit vel promissum ejusmodi Juramentum, non potest à quoquam salvâ conscientiâ, vel præstari, vel præstitum ad impleri; qui utrumvis fecerit, pejeraverit.*

2. I assume, that the *Oaths of Allegiance, Supremacy and the Protestantation of May 5. 1641.* were taken by the Nation, before any of the Nation took the *Covenant*, and that the *Covenant* in the *Second Article* is *Repugnant* to them all.

3. In all these, you say, I was fully pre-

prevented by Mr. Crofton; and seeing this is all you say against me in these particulars, I shall only return you to one, who in all of them did as fully prevent Mr. Crofton many years ago.

4. He leads us on *this*; as *his Majesty hath sworn*, expressly to maintain and defend the Government of the Church, by Arch-Bishops, Bishops, &c. So have we his Subjects implicitly sworn the *same*, as many of *us* as have taken the *Oaths Supremacy, of Allegiance, and the late Protestantation.*

5. For first, his Majesty having sworn so solemnly to maintain and preserve this Government of the Church, if any Attempts or Conspiracies should be made against it we are bound by the *Oath of Allegiance* to maintain and defend his Majesty to the utmost of our power, in his endeavouring to make good that his *oath* of maintaining & defending that Government of the Church and the Rights and Privileges of these Governors against all those Conspiracies and Attempts.

6. Secondly, we have *sworn* in our *Oath of Supremacy*, that the *Kings Highness* is the only *Supream* of this Realm,

as well in spiritual things and causes, as Temporal ; and that we shall to our power assist and defend all Jurisdiction, Priviledge and Authority, granted or belonging to the Kings Highness : the Government of the Church being such an Ecclesiastical thing, and Cause, as that, next to the Doctrine of the Church, there is not any Ecclesiastical thing or Cause of nearer concernment to the King, and whole Kingdome ; and the Regulating and ordering thereof belonging to his Jurisdiction, Priviledge, Preheminence and Authority, we are obliged by that Oath, not only to acknowledge his Majesty to be the Supream Governor in that thing and Cause, but also to our power assist and defend that Jurisdiction, Priviledge, Preheminence and Authority ; and not to Assay, or Endeavour ought concerning the Altering, much less the rooting out of that Government, without the Kings Consent and Approbation.

7. Lastly, we having sworn in our late Protestation to maintain and defend the Doctrine of the Church of England, against Popery : and one Article of that Doctrine, which the Papists mainly oppose,

pose, viz. six and thirty, together with several other parts thereof, approving and Justifying the Government of this Church; it must be granted, that we are by this *Oath* bound so far to *maintain* and defend that Government, as to approve and justify the Lawfulness thereof both *in it self*, and in its Constitution here among us.

8. Besides, we *swore* expressly in the same *Protestation* to maintain and defend the *lawful Rights* and *Liberties* of the *Subject*, and every person that made that *Protestation*; and therefore in that respect until we are convinced, either that *Arch-Bishops* and *Bishops*, &c. are no *Subjects*; or that their *Right of Governing* this Church is not *lawful*; we are bound by that *Branch of the Oath*, not only not to Endeavour the *Exirpation* of the Government of the Church by them; but to the utmost of our power to *maintain* and defend them in that their *Right of Government*: and every person that took the *Protestation* in whatsoever he hath since done, or shall hereafter do in the maintenance and defence *thereof*. *Ante-confederacy*, p. 51.  
52. Printed 1644.

9. You

9. You believe Mr. Crofton will not stick to allow the *Nationality* of the *Protestation*: and then the whole Nation was under the Obligation of the *Protestation*, before the *Covenant* was taken: and consequently in those things before recited, the *Covenant* was superseded, and Master Croftons Imaginary *Reality* and *Nationality* of the *Covenant*, is thrown to the ground by Mr. Croftons *Logick*; his Position undermined by his Supposition.

10. Give me leave also to remember, that both in the *Oath of Supremacy*, and the *Protestation*, it was sworn to *maintain* the *Kings Honor*, as well as his *Authority*: but the *Covenant* is to endeavour to make the *King break his Oath*; which is plainly contrary to Endeavours to save his *Honour*.

11. The *King* hath sworn to *defend* and *Maintain* this *Government*. It is not a necessary Duty from the Word of God to destroy it: there is nothing more dishonourable in a *King*, than to break his *Faith* with his *Subjects*, yea, his *Oath to them*, his *Oath to defend and protect them*, and in so deep a measure too, by his *Extirpation* and *rooting them out*.

out. Lastly, the *Covenant* is to endeavour to prevail with the *King* thus, to break his *Faith* and *Oath with his Subjects*, in a thing, in your own judgements, not necessary upon him from the *Word of God*. Now avoid the Consequence if you can.

## S E C T. 3.

*Whether the Covenant can oblige us to the laying down of our Ministry.*

1. **T**hirdly, I assert, we are first obliged to serve the *Church* in the work of the Ministry; and the Obligation of the *Covenant* can no way disoblige us or discharge us of it.

2. The Argument in short, is thus. No man hath power to put a *Bar*, by any *self-contracted Obligation*, about a thing not necessary in the way of his *duty*, to *God or his Church*; the reason is, *Gad habet first in Nature and Scripture obliged him to his duty.* *Est illicitum quicquid bono publico adversatur, aut paci Ecclesiast. politice Domesticae. Sand. & Actus unius non debet prejudicare juri alterius.* Our own private *Act* ought not to prejudice the *right* of another, much less *God & the Church*.

3. But now to leave our Ministerial office, because we will not renounce this part

part of the Covenant as required by law  
is to put a Bar in the way of our duty to  
God and his Church, from a self-contra-  
dicted obligation, about a thing in it self  
not necessary.

4. I spent above 8 pag. in the book sur-  
veigh'd by you, in the prosecution of this  
*Argument*. Pray read them over again, &  
judge whether you have sol'd, much less  
as you speak of my other *Arguments*, laid  
*it in the dust*; indeed you have not touch-  
ed it with one of your fingers.

5. This *Argument* may grant, or rather  
give, that it was lawful not to renounce the  
obligation of the Covenant, before this *Act*  
was made; but now the *Act* requires it as  
the condition of continuing in the Mini-  
stry; the Case is otherwise.

6. For the Covenant could not be taken  
in a matter not necessary, without such a  
condition, that the performing of it or the  
non-renouncing of it do not afterwards  
prove a bar to our duty, be understood.  
The Rule is known, *rebus sic stantibus*,  
*vel si in eodem statu res permanerint*, upon  
condition, that no sin hereafter be to be  
committed, no injury done, no duty o-  
mitted by keeping our *Oath*, or any  
thing truly consequential thereunto.

7. There

7. There is a Case in Bishop Sanders  
for that brings us very neer our own.  
Si Filius familias, &c. If a Son, saith he,  
swear to do a thing that is in it self lawfull,  
and his father (not knowing what his son  
had sworn) commands him to do something  
which binders him from doing that which  
he had sworn to do, (doth not forbid him to  
do it, but commands him to do that, quod  
impedit id fieri quod juratum est.) He re-  
solv's the case; filius non tenetur juramen-  
to; his reason is, quia lege divina Natu-  
rali tenetur parere imperio Patris.

8. Thus admit that you swore a law-  
ful thing in the Covenant, your Civil  
Parent commands you to do that, which  
binders the performing your Covenant;  
the Renouncing of the Obligation of it, in  
the Second Article. But, how much  
greater force is added to the Argument,  
if you consider the effect of your disobe-  
dience to this Command of Authority,  
your ceasing to work any longer in the Mi-  
nistry, and disobedience to God that called  
you to it.

9. *Causa Causa est Causa Causati*, the  
Cause of your ceasing to do your duty to  
God, the Law and the Church, is your  
Non-Subscription, the cause of your Non-Sub-

*Subscription*, is the *Covenant*. Therefore the *Covenant* is the cause of ceasing to do your duty; and therefore *sinful*, and not obliging.

Supream Authority hath, doubtless, power to make any conditions of our serving the Church within its Dominions, in things not *sinful*, according to its own reason of State: the *Covenant* cannot hold us from performing such condition; for then it binders us from doing our duty, by hindering from performing the condition, upon which alone we are suffer'd to keep our places, and to serve the Church, and to which we have a pre-obligation of God upon us, not to be so easily broken by our own hands.

11. Therefore, my dear Bretbren, in the fear of the great God, whose Servants we all are, let me request you once again, seriously to consider: that though, for your oaths sake you ought to quit your own Interest; yet the Churches and the States you cannot.

12. Pray, enquire, who gave you power to expose your selves to an Incapacity of serving the Church, in the high and holy Calling of the Ministry (to which God hath called you; and for which he hath qualified)

fied) you, and in which, he expects you should be constant and faithful by such a *Covenant* as the renouncing thereof, is now made the condition of our station, and the discharge of our *Office*.

13. Ask your selves, was not the *Law of God*, requiring all that should be received into the *Ministry*, to preach the *Gospel*, to *watch for souls*, not to look back, &c. of force, before the *Covenant*? how then, can you plead the *Covenant* for the voiding of it? in such things too, as are certainly no *conditions* of Gods Commands.

15. I do not well know, what you mean, by the *last note* of your *Surveigh*, which onely remains to be taken notice of; your words are these. *We conceive the best of Actions may be as capable of an Impedit. boni by the intervening inhibiting Decree of Cæsar: and we are to be satisfied that in that case the guilt of non-service to the Church is chargable on our soul: We may not sin that good should come thereof.*

16. So far as I apprehend this *Objection*, it is most easily answered.

17. First, by yielding that the best of your *Actions* must be performed, whether *Cæsar* inh bite or not.

18. Sc-

18. Secondly, by denying endeavours to extirpate Episcopal Government to be of the best sort of your Actions: or the not endeavouring the same, or the renouncing the obligation of the Covenant so far, to be fin.

19. I have often said, that thus to endeavour the extirpation of Episcopal Government is not in it self a duty: many of your Actions are so, and particularly, the discharge of your offices and places: therefore, if it so fal out, that through the command of Cæsar, you cannot both discharge your necessary duties, and also hold yourselves bound not to do a thing that in it self, is not necessary, that which would oblige you not to perform such condition of your duties, ceaseth so far to oblige you; and that is the Covenant.

20. Otherwise, by your own Act about an object not in it self a duty, you would supersede the Authority of Cæsar in things indifferent, & clip the power which God hath given him; by extending the effect of your Covenant with God, to Cæsar's injury. *Injuriam alteri facit, qui quasi Jure suo statuit de iis que sunt juris alieni.*

*Liberavi animam meam.*

F I N I S.

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